

S. 2031. An act for the relief of Lt. (T) P. J. Voorhies; and

S. 2069. An act for the relief of Irma S. Sheridan, postmaster at Rockville, Oreg.

ADJOURNMENT

Mr. ROBINSON of Utah. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 24 minutes p. m.) under its previous order, the House adjourned until Monday, November 27, 1944, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

2030. Under clause 2 of rule XXIV a letter from the Chairman, Reconstruction Finance Corporation, transmitting the report of the Reconstruction Finance Corporation for the month of August 1944, was taken from the Speaker's table and referred to the Committee on Banking and Currency.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WOODRUM of Virginia: Select Committee on Post-war Military Policy. Further report pursuant to House Resolution 465. Resolution to establish a Select Committee on Post-war Military Policy (Rept. No. 1923). Referred to the Committee of the Whole House on the state of the Union.

Mr. ALLEN of Louisiana: Committee on Immigration and Naturalization. H. R. 4981. A bill to amend section 327 (h) of the Nationality Act of 1940; without amendment (Rept. No. 1925). Referred to the Committee of the Whole House on the state of the Union.

Mr. ALLEN of Louisiana: Committee on Immigration and Naturalization. H. R. 5465. A bill to amend section 342 (b) of the Nationality Act of 1940; without amendment (Rept. No. 1926). Referred to the Committee of the Whole House on the state of the Union.

Mr. ALLEN of Louisiana: Committee on Immigration and Naturalization. House Joint Resolution 316. Joint resolution to correct an error in section 342 (b) (9) of the Nationality Act of 1940, as amended by the act of September 27, 1944; without amendment (Rept. No. 1927). Referred to the Committee of the Whole House on the state of the Union.

Mr. MASON: Committee on Immigration and Naturalization. H. R. 5156. A bill to amend section 28 (c) of the Immigration Act of 1924; without amendment (Rept. No. 1928). Referred to the House Calendar.

Mr. MASON: Committee on Immigration and Naturalization. H. R. 5464. A bill to amend the law relating to the authority of certain employees of the Immigration and Naturalization Service to make arrests without warrant in certain cases and to search vehicles within certain areas; without amendment (Rept. No. 1929). Referred to the House Calendar.

Mr. LESINSKI: Committee on Immigration and Naturalization. H. R. 5496. A bill to amend section 401 (a) of the Nationality Act of 1940; without amendment (Rept. No. 1930). Referred to the House Calendar.

Mr. LESINSKI: Committee on Immigration and Naturalization. H. R. 5513. A bill to amend section 201 (g) of the Nationality Act of 1940 (54 Stat. 1138-1139; 8 U. S. C. 601); with amendment (Rept. No. 1931). Referred to the House Calendar.

Mr. GOSSETT: Committee on Expenditures in the Executive Departments. S. 218.

An act to authorize relief of disbursing officers of the Army on account of loss or deficiency of Government funds, vouchers, records, or papers in their charge; without amendment (Rept. No. 1932). Referred to the Committee of the Whole House on the state of the Union.

Mr. RANDOLPH: Committee on Expenditures in the Executive Departments. H. R. 4547. A bill to amend the act of February 14, 1931, as amended, so as to permit the compensation, on a mileage basis, of civilian officers or employees for the use of privately owned airplanes while traveling on official business; without amendment (Rept. No. 1933). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MASON: Committee on Immigration and Naturalization. H. R. 2148. A bill for the relief of Elias Baumgarten; without amendment (Rept. No. 1924). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JEFFREY:

H. R. 5532. A bill for the relief of officers of the Army who were members of the first two classes at Civil Affairs Training School, University of Chicago; to the Committee on Claims.

By Mr. BURCH of Virginia:

H. R. 5533. A bill to amend section 2 of the act of May 29, 1928, and section 3 of the act of March 29, 1944, affecting the compensation of postmasters; to the Committee on the Post Office and Post Roads.

By Mr. MCCORD:

H. R. 5534. A bill to amend section 502 (a) of the Department of Agriculture Organic Act of 1944; to the Committee on Agriculture.

By Mr. VINSON of Georgia:

H. R. 5535. A bill to create the rank and title of lieutenant general in the Marine Corps, and for other purposes; to the Committee on Naval Affairs.

By Mr. GRIFFITHS:

H. Res. 657. Resolution to direct the Board of Engineers for Rivers and Harbors to review the report on the Muskingum River and its tributaries, Ohio, with a view to determining the advisability of improving Leatherwood Creek in the interests of flood control and water supply for Cambridge, Ohio; to the Committee on Flood Control.

By Mr. VINSON of Georgia:

H. Res. 658. Resolution providing for the consideration of S. 2019, a bill to establish the grade of fleet admiral of the United States Navy, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. SIMPSON of Pennsylvania introduced a bill (H. R. 5536) for the relief of the legal guardian of Margaret Hockenberry, a minor, which was referred to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6205. By Mr. GRIFFITHS: Petition submitted by the Ohio Brewers Association with

157 signatures protesting the passage of any prohibition legislation as the Bryson bill, H. R. 2082; to the Committee on the Judiciary.

6206. By Mr. ROWE: Petition of 232 constituents of the Fourteenth Congressional District of Ohio, protesting against the passage of any such legislation as the Bryson bill, H. R. 2082; to the Committee on the Judiciary.

6207. By Mr. SMITH of Wisconsin: Petition of 750 constituents in the First Congressional District, Wisconsin, protesting against the enactment of any and all prohibition legislation; to the Committee on the Judiciary.

6208. Also, petition of sundry citizens of Racine, Wis., regarding House Resolution No. 632; to the Committee on Rules.

6209. Also, petition of sundry citizens of Racine, Wis., regarding House Resolution No. 632; to the Committee on Rules.

SENATE

MONDAY, NOVEMBER 27, 1944

(Legislative day of Tuesday, November 21, 1944)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Our Father God, in whose sight all that concerns Thy children is precious and whose merciful eyes note even a sparrow's fall, speak to these struggling lives of ours, woven with strangely tangled threads that are sad and glad. Thou knowest all the days that go to make the total pattern as the years pass more quickly than a weaver's shuttle, days shadowed by sorrow, sparkling with mirth, bathed in tears, lifted up by gain and triumph, cast down by failure and loss. May this mixed medley of hopes and fears find its true meaning in Thy eternal purpose for our being.

In this tortured day open our eyes to perceive Thy presence in the mighty currents of the ages and to trust Thy wise and patient power to fashion a better day out of the strife and turmoil, the grief and bitterness of this present time. In all its plans and policies keep this dear land of ours mindful of all the family of nations, global in its sympathies, elevated in its thought, clean in its motives, that its sacrifice be unsullied by the base alloy of unworthy ambition. And in the deliberations of the Congress let every mind be attentive to Thy voice in this solemn day of our visitation, that we may know the things which belong to our peace and to the peace of the world. We ask it in the Redeemer's name. Amen.

THE JOURNAL

On request of Mr. HILL, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Friday, November 24, 1944, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. HILL. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Gerry	Overton
Bailey	Gillette	Radcliffe
Ball	Green	Revercomb
Bankhead	Guffey	Reynolds
Bilbo	Gurney	Robertson
Brooks	Hatch	Russell
Buck	Hayden	Shipstead
Burton	Hill	Taft
Bushfield	Jenner	Thomas, Idaho
Butler	Johnson, Calif.	Thomas, Okla.
Byrd	Johnson, Colo.	Tunnell
Capper	La Follette	Tydings
Caraway	Langer	Vandenberg
Chandler	McClellan	Wallgren
Clark, Idaho	McFarland	Walsh, Mass.
Clark, Mo.	McKellar	Walsh, N. J.
Connally	Maloney	Weeks
Cordon	Maybank	Wheeler
Davis	Millikin	Wherry
Downey	Murray	White
Ellender	Nye	Wiley
Ferguson	O'Daniel	Willis
George	O'Mahoney	

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] is absent from the Senate because of illness.

The Senators from Nevada [Mr. McCARRAN and Mr. SCRUGHAM] and the Senator from Utah [Mr. MURDOCK] are detained on official business for the Senate.

The Senator from Florida [Mr. ANDREWS], the Senator from Mississippi [Mr. EASTLAND], the Senator from Utah [Mr. THOMAS], the Senator from Missouri [Mr. TRUMAN], and the Senator from New York [Mr. WAGNER] are necessarily absent.

The Senator from Kentucky [Mr. BARKLEY], the Senator from New Mexico [Mr. CHAVEZ], the Senator from West Virginia [Mr. KILGORE], and the Senator from Tennessee [Mr. STEWART] are unavoidably detained.

The Senator from New York [Mr. MEAD] is absent on official business for the Special Committee to Investigate the National Defense Program.

The Senator from Florida [Mr. PEPPER] and the Senator from Illinois [Mr. LUCAS] are absent on official business for the Senate.

Mr. WHERRY. The following Senators are necessarily absent:

The Senator from Vermont [Mr. AUSTIN], the Senator from Maine [Mr. BREWSTER], the Senator from New Hampshire [Mr. BRIDGES], the Senator from New Jersey [Mr. HAWKES], the Senator from Oklahoma [Mr. MOORE], the Senator from Kansas [Mr. REED], the Senator from New Hampshire [Mr. TOBEY], and the Senator from Iowa [Mr. WILSON].

The Senator from Oregon [Mr. HOLMAN] is absent because of illness in his family.

The Senator from Connecticut [Mr. DANAHY] is absent on important public business.

The VICE PRESIDENT. Sixty-eight Senators have answered to their names. A quorum is present.

SENATOR FROM SOUTH CAROLINA

Mr. MAYBANK. Mr. President, the Senator-designate from South Carolina, Hon. WILTON E. HALL, is present and prepared to take the oath of office. His credentials are already on file.

The VICE PRESIDENT. If the Senator-designate will present himself at the desk, the oath will be administered to him.

Mr. HALL, escorted by Mr. MAYBANK, advanced to the Vice President's desk, and the oath of office prescribed by law was administered to him by the Vice President.

LEGISLATION PASSED BY MUNICIPAL COUNCILS IN THE VIRGIN ISLANDS

The VICE PRESIDENT laid before the Senate two letters from the Acting Secretary of the Interior, transmitting, pursuant to law, copies of legislation passed by the Municipal Councils of St. Croix, St. Thomas, and St. John, V. I., which, with the accompanying papers, were referred to the Committee on Territories and Insular Affairs.

IMPROVEMENT OF THE ADMINISTRATION OF JUSTICE BY PRESCRIPTION OF FAIR ADMINISTRATIVE PROCEDURE

Mr. MALONEY. Mr. President, I ask unanimous consent to present for appropriate reference and to have printed in the RECORD at this point a letter which I have received from Miss F. G. Farrell, secretary of the Hartford Chamber of Commerce, Hartford, Conn.

The letter contains a resolution adopted by the board of directors of that organization urging enactment of the bills H. R. 5081 and S. 2030.

There being no objection, the letter embodying the resolution was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

THE HARTFORD CHAMBER OF COMMERCE,
Hartford, Conn., November 22, 1944.
The Honorable FRANCIS MALONEY,
Senate Office Building, Washington, D. C.

DEAR SIR: At a regular meeting of the board of directors of the Hartford Chamber of Commerce held on the 20th day of November 1944, the following resolution was adopted:

"Resolved, That the board of directors of the Hartford Chamber of Commerce expresses its unanimous approval of the legislation to improve the administration of justice by prescribing fair administrative procedure, known as House bill 5081 and Senate bill 2030, and requests its prompt enactment by the Congress of the United States; and be it further

"Resolved, That a copy of this resolution be forwarded to the chairmen of the Judiciary Committees of the House of Representatives and the Senate, and to the Connecticut Members of the Congress."

We send this to you for your guidance when the matter comes up for action.

Very truly yours,

(Miss) F. G. FARRELL,
Secretary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSON of Colorado, from the Committee on Military Affairs:

S. 2178. A bill to amend the act entitled "An act authorizing the President to appoint an Under Secretary of War during national emergencies, fixing the compensation of the Under Secretary of War, and authorizing the Secretary of War to prescribe duties," approved December 16, 1940, for the purpose of making such act permanently effective; with amendments (Rept. No. 1194).

By Mr. GURNEY, from the Committee on Military Affairs:

S. 2192. A bill to provide for the continuation on the active list of the Regular Army for the duration of any of the wars in which the United States is now engaged, and for 6 months thereafter, of any officer on the active list of the Regular Army who has

served as Chief of Staff during the wars in which the United States is now engaged; without amendment (Rept. No. 1195).

By Mr. HILL, from the Committee on Military Affairs:

H. R. 5386. A bill to amend the Selective Training and Service Act of 1940, as amended, to extend the time within which application may be made for reemployment, and for other purposes; with amendments (Rept. No. 1196).

By Mr. BILBO, from the Committee on the District of Columbia:

S. 1434. A bill to provide for voluntary apprenticeship in the District of Columbia; without amendment (Rept. No. 1197);

S. 1979. A bill to regulate in the District of Columbia the transfer of shares of stock in corporations and to make uniform the law with reference thereto; with amendments (Rept. No. 1212);

S. J. Res. 155. Joint resolution establishing a commission to select a site and design for a National Memorial Stadium to be erected in the District of Columbia; with amendments (Rept. No. 1214);

H. R. 1951. A bill to amend the District of Columbia Motor Vehicle Parking Facility Act of 1942, approved February 16, 1942; without amendment (Rept. No. 1198);

H. R. 2116. A bill to amend the laws of the District of Columbia relating to exemption of property from judicial process, the assignment of salary or wages, and the advance payment of salary or wages for the purpose of preventing attachment or garnishment; without amendment (Rept. No. 1199);

H. R. 2644. A bill to grant additional powers to the Commissioners of the District of Columbia, and for other purposes; without amendment (Rept. No. 1200);

H. R. 3150. A bill to amend an act entitled "An act to regulate the practice of the healing art to protect the public health in the District of Columbia," approved February 27, 1929; without amendment (Rept. No. 1201);

H. R. 3313. A bill to amend section 10 of the act of March 3, 1925, entitled "An act to provide for the regulation of motor-vehicle traffic in the District of Columbia; increase the number of judges of the police court, and for other purposes," as amended; without amendment (Rept. No. 1202);

H. R. 3619. A bill to amend sections 675 and 676 of the act entitled "An act to establish a Code of Law for the District of Columbia," approved March 3, 1901, regulating the disposal of dead human bodies in the District of Columbia; without amendment (Rept. No. 1203);

H. R. 3621. A bill to amend an act entitled "An act to provide for the regulation of motor vehicle traffic in the District of Columbia, increase the number of judges of the police court, and for other purposes"; without amendment (Rept. No. 1204);

H. R. 3720. A bill to authorize the Commissioners of the District of Columbia to appoint notaries public; without amendment (Rept. No. 1205);

H. R. 4327. A bill to regulate boxing contests and exhibitions in the District of Columbia, and for other purposes; with amendments (Rept. No. 1213);

H. R. 4867. A bill to extend the health regulations of the District of Columbia to Government restaurants within the District of Columbia; without amendment (Rept. No. 1206);

H. R. 4916. A bill to amend the act of June 19, 1934 (Public Law 435, 73d Cong.); without amendment (Rept. No. 1207);

H. J. Res. 289. Joint resolution authorizing the granting of permits to the Committee on Inaugural Ceremonies on the occasion of the inauguration of the President-elect in January 1945, and for other purposes; without amendment (Rept. No. 1209);

H. J. Res. 290. Joint resolution to provide for the maintenance of public order and the protection of life and property in connection with the Presidential inaugural ceremonies of

1945; without amendment (Rept. No. 1210); and

H. J. Res. 291. Joint resolution to provide for the quartering, in certain public buildings in the District of Columbia, of troops participating in the inaugural ceremonies; without amendment (Rept. No. 1211).

By Mr. WALSHE of Massachusetts, from the Committee on Naval Affairs:

S. 1910. A bill to provide for the presentation of medals to members of the United States Antarctic Expedition of 1939-41; with an amendment (Rept. No. 1225);

S. 1985. A bill to amend an act entitled "An act authorizing the temporary appointment or advancement of certain personnel of the Navy and Marine Corps, and for other purposes," approved July 24, 1941, as amended, and for other purposes; without amendment (Rept. No. 1216);

S. 2056. A bill to authorize the Secretary of the Navy to lease certain lands situated in San Diego County, State of California; with an amendment (Rept. No. 1226);

S. 2067. A bill to authorize an exchange of lands between the city of Eastport, Maine, and the United States, and the conveyance of a roadway easement to the city of Eastport, Maine; without amendment (Rept. No. 1217);

S. 2068. A bill to amend an act entitled "an act to extend the time for examination of monthly accounts covering expenditures by disbursing officers of the United States Marine Corps," approved December 26, 1941, so as to extend the time for examination of monthly accounts of disbursing officers and special disbursing agents of the Navy and Coast Guard; without amendment (Rept. No. 1218);

S. 2073. A bill to authorize the Secretary of the Navy to convey to Oahu Railway & Land Co. an easement for railway purposes in certain lands situated at Halawa, Ewa, Oahu, T. H.; without amendment (Rept. No. 1219);

S. 2132. A bill for the relief of Ensign Frederick Matthews McCord, United States Naval Reserve; without amendment (Rept. No. 1220);

S. 2133. A bill to authorize the transfer of certain lands within the Colonial National Historical Park, Yorktown, Va., to the Secretary of the Navy; without amendment (Rept. No. 1221);

S. 2179. A bill to reimburse certain Navy personnel for personal property lost or damaged as the result of a fire at the naval auxiliary air facility, Astoria, Oreg., on April 2, 1944; without amendment (Rept. No. 1222);

S. 2180. A bill to provide reimbursement for personal property lost, damaged, or destroyed as the result of an explosion at the naval mine depot, Yorktown, Va., on November 16, 1943; without amendment (Rept. No. 1223); and

S. 2181. A bill to authorize the Secretary of the Navy to grant to the city of Canton, Ohio, for highway purposes only, a strip of land situated within the United States Naval Ordnance Plant at Canton, Ohio; without amendment (Rept. No. 1224).

ENROLLED BILLS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on November 25, 1944, that committee presented to the President of the United States the following enrolled bills:

S. 887. An act conferring jurisdiction upon the United States District Court for the Western District of Virginia to hear, determine, and render judgment upon the claims of John Weakley and Rella Moyer;

S. 1101. An act to provide for the payment of the claim of John C. Shaw, administrator de bonis non of the estate of Sydney C. McLouth, deceased, arising out of a contract between said deceased and the United States

Shipping Board Emergency Fleet Corporation, for the construction of seagoing tugs;

S. 1226. An act for the relief of Charles T. Allen;

S. 1278. An act for the relief of Yellow Cab Transit Co. and Equitable Fire & Marine Insurance Co.;

S. 1365. An act for the relief of J. C. Drewry;

S. 1451. An act to amend the act entitled "An act for the confirmation of the title to the Saline lands in Jackson County, State of Illinois, to D. H. Brush and others," approved March 2, 1861;

S. 1453. An act for the relief of the City National Bank Building Co.;

S. 1461. An act for the relief of Frederick G. Goebel;

S. 1465. An act for the relief of Dr. A. R. Adams;

S. 1477. An act for the relief of Carl M. Frasure;

S. 1501. An act for the relief of the Rau Motor Sales Co.;

S. 1572. An act for the relief of Frank Robertson;

S. 1605. An act for the relief of Mr. and Mrs. John Borrego; Mr. and Mrs. Joe Silva; the legal guardian of Frank Borrego; the legal guardian of Rueben Silva; and the legal guardian of Rudolph Silva;

S. 1665. An act to relieve certain employees of the Veterans' Administration from financial liability for certain overpayments and allow such credit therefor as is necessary in the accounts of Guy F. Allen, chief disbursing officer;

S. 1709. An act for the relief of Mrs. Clark Gourley, administratrix of the estate of Clark Gourley;

S. 1717. An act for the relief of Luella F. Stewart;

S. 1763. An act for the relief of the Square D Co.;

S. 1766. An act for the relief of C. C. Thornton;

S. 1776. An act for the relief of L. C. Gregory;

S. 1905. An act for the relief of the estate of Walney A. Colvin, deceased;

S. 1933. An act for the relief of Mrs. Anna Runnebaum;

S. 1995. An act for the relief of Fred A. Dimler and Gwendolyn E. Dimler, his wife;

S. 2007. An act for the relief of Lum Jacobs;

S. 2031. An act for the relief of Lt. (T) P. J. Voorhies; and

S. 2069. An act for the relief of Irma S. Sheridan, postmaster at Rockville, Oreg.

JOINT RESOLUTIONS INTRODUCED

Joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. REYNOLDS:

S. J. Res. 159. Joint resolution to provide for a study and investigation with respect to the establishment and operation of a national lottery; to the Committee on Finance.

S. J. Res. 160. Joint resolution proposing an amendment to the Constitution of the United States imposing a limitation with respect to taxation; to the Committee on the Judiciary.

By Mr. CHANDLER:

S. J. Res. 161. Joint resolution to authorize the presentation of a medal of honor to the Honorable Cordell Hull; to the Committee on the Library.

AMENDMENT OF FEDERAL CROP INSURANCE ACT—AMENDMENTS

Mr. LA FOLLETTE submitted amendments intended to be proposed by him to the bill (H. R. 4911) to amend the Federal Crop Insurance Act, which were referred to the Committee on Agricul-

ture and Forestry and ordered to be printed.

FLOOD-CONTROL PROJECTS—AMENDMENTS

Mr. CORDON submitted two amendments intended to be proposed by him to the bill (H. R. 4485) authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes, which were ordered to lie on the table and to be printed.

THE PLAN FOR PEACE—ADDRESS BY SENATOR AUSTIN

Mr. WEEKS. Mr. President, on the evening of November 2, 1944, the distinguished senior Senator from Vermont [Mr. AUSTIN] discussed over the radio, in a most able and thoughtful manner, the problems of war and the peace to come. I ask unanimous consent that his address be printed in the Record at this point.

There being no objection, the address was ordered to be printed in the Record, as follows:

Senator Weeks, Governor Saltonstall, Governor Edge, and Governor Baldwin, in opening advocacy of the cause for which Wendell Wilkie and his friends sacrificed much, I have confidence that the Congress will take the necessary parliamentary action to carry out the war and peace policies declared in both of the great political conventions and by both of the candidates for President.

The plan for peace is neither Republican nor Democratic. It is American. Both Democrats and Republicans have served in crystallizing policies expressed in the Dumbarton Oaks proposal. There are opponents of these policies in both parties. Vigorous advocates of extreme nationalism will be on both sides of the aisle in the Senate. The leadership of Governor Dewey in the campaign has been responded to favorably by many Republican nationalists. This causes me to believe that, notwithstanding their former attitude, they would support the establishment, not merely the planning, of the United Nations before hostilities cease.

After ratification of the treaty establishing the United Nations, the debatable questions involved in the further formation of our international policy could each be considered separately by the Congress. This method would simplify the issues and promote wiser decisions.

Both candidates for President advocate this method. I am convinced that the present sentiment of Republican Members of both Houses would support Governor Dewey's policy to vest adequate authority to vote in the council without returning to Congress each time for advice. Of course, the delegate could not make a declaration of war.

The power to direct peace forces to prevent or repel military aggression ought to be granted. Such risk as there is, that the delegate's acts might result in undeclared war, ought to be taken. The alternative is continuation of failure to prevent world war.

Experience throughout our history in the interposition of armed forces in other countries and on the high seas by the Chief Executive without a declaration of war has developed the basis for a provision in the statute defining governmental procedures to which the delegate could be required to conform. Such procedures would not cause the delays which would result if he were to ask Congress for advice upon each specific question. Certainty and promptness in applying sanctions is an objective which Governor Dewey advocates and which Republicans in Congress would provide for.

Peace forces would include a certain quota of the different branches of the armed forces which would be subject to direction by the council anywhere in the world. The earmarking of these elements of our common defense would be handled by Congress also separately from the basic treaty.

The Republican Party favors the definite contribution of whatever it takes to maintain international peace and security. The costs of this terrible war have convinced all thoughtful Americans that if urgent military measures must be taken by organized society to save our children's children from repetition of the experience of our children, this country will contribute its full share to the required armed forces.

I claim that the Republicans in Congress would vigorously support Governor Dewey as President in making available to the security council, on its call, and in accordance with a special agreement or agreements concluded among the members of the organization, armed forces, facilities, and assistance necessary for the purpose of maintaining international peace and security. They would make available to the organization national air force contingents for combined international enforcement action.

The campaign has emphasized military sanctions, but the Republican Party does not limit its earnest pursuit of security and peace to the development of military sanctions. The permanency of security and peace will depend more upon the other peace forces, such as developing conditions calculated to promote world-wide economic stability; fostering a world opinion to influence the nations to right conduct; furthering international law and use of international tribunals; removing or remedying basic causes of world disorder.

We believe that a peace that will prevail and have the elements of growth must be founded upon reciprocal interests and spiritual values more than upon military force. Ultimately the normal sanction for peace should be self-discipline. In the meantime, in the present stage of civilization, security and peace under the law, must have force on call. The historical method of unilateral interposition of force by individual states has proved to be futile and has been followed by world war.

The new method of cooperation through world organization challenges us. We accept this challenge and will establish guarantees of security and peace that will function upon the earliest sign of a disturbance anywhere in the world that might cause war.

It is a great pleasure to participate with other friends of Wendell Willkie in advocating the cause for which he gave so much.

THE ST. LAWRENCE: AMERICA'S NO. 1 PROJECT—ADDRESS BY SENATOR AIKEN

[Mr. SHIPSTEAD asked and obtained leave to have printed in the Record an address entitled "The St. Lawrence—America's No. 1 Project," delivered by Senator AIKEN at a luncheon given at a joint meeting of the Duluth Chamber of Commerce and Rotary Club, at Duluth, Minn., October 26, 1944, which appears in the Appendix.]

THE MAKING OF ECONOMIC TREATIES—STATEMENT BY SENATOR KILGORE

[Mr. HATCH asked and obtained leave to have printed in the Record a statement by Senator KILGORE entitled "Who Shall Make Economic Treaties?" which appears in the Appendix.]

FLOOD-CONTROL PROJECTS

The Senate resumed the consideration of the bill (H. R. 4485) authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes.

Mr. CAPPER. Mr. President, I have received a telegram from R. T. Willette, manager, Kansas City, Kans., chamber of commerce, which sets forth the views of his group with regard to the pending measure, H. R. 4485. I ask unanimous consent to have the telegram printed in the CONGRESSIONAL RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

KANSAS CITY, KANS.,
November 24, 1944.

HON. ARTHUR CAPPER,
United States Senator,
Washington, D. C.:

Board of directors of this chamber of commerce urges your support of H. R. 4485 which is in support of the Pick plan for conservation and flood control on the Missouri River and which as we understand it has now been amended and approved by the Commerce Committee of the Senate for passage. Would appreciate reply.

R. T. WILLETTTE,
Manager, Kansas City, Kans.,
Chamber of Commerce.

Mr. CAPPER. Mr. President, I have also received a telegram from R. W. McClure, a leading businessman of Kansas, and president of the Kansas Electric Power Co., urging favorable consideration of an amendment to paragraph 5 of House bill 4485, and I ask that the telegram be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

LAWRENCE, KANS., November 24, 1944.

HON. ARTHUR W. CAPPER,
Senate Office Building:

We feel that amendment to H. R. 4485, omnibus flood-control bill which amendment revises paragraph 5 of that bill and which was approved by the Senate Commerce Committee and is being introduced by Senator BAILEY is much more fair and equitable than present provisions in paragraph 5 of bill and urgently request your support for such amendment.

R. W. MCCLURE,
President, The Kansas Electric Power Co.

The VICE PRESIDENT. The clerk will state the next amendment of the committee passed over.

The CHIEF CLERK. On page 5, line 13, after the word "Department", it is proposed to insert "Provided, That no sale of such water shall adversely affect then existing lawful uses of such water."

Mr. O'MAHONEY. Mr. President, I should like to have the amendment stated again.

The amendment was again stated.

Mr. WHITE. Mr. President, I inquire whose amendment this is?

The VICE PRESIDENT. It is a committee amendment.

Mr. OVERTON. Mr. President, this committee amendment, together with other committee amendments and certain other provisions of the bill, have been the subject matter of considerable discussion and interviews between the proponents of the so-called O'Mahoney amendment and the committee and representatives of the committee. We have, I think, practically agreed upon a proper amendment which should apply to all matters in controversy, although there has not been a final agreement. I sug-

gest that the amendment be passed over until we arrive at a final agreement.

The VICE PRESIDENT. Without objection, the amendment will be passed over.

Mr. WHERRY. Mr. President, I could not hear what the Senator from Louisiana stated a few moments ago. I understood it was something about an agreement. Will he not restate what he said?

Mr. OVERTON. I stated that with respect to the particular amendment just read, and with regard to certain other amendments relating to the Missouri Valley Basin, an agreement had practically been entered into between the proponents of the O'Mahoney amendment and representatives of the committee. We have not yet quite perfected the arrangement, and I desire that this amendment and other amendments which relate to this subject matter be passed over for the present.

Mr. WHERRY. Mr. President, will the distinguished Senator yield for a question?

Mr. OVERTON. I yield.

Mr. WHERRY. Does the agreement the Senator just mentioned in any way affect the committee amendment which appears in lines 13 and 14 on page 5?

Mr. O'MAHONEY. Mr. President, I understand that amendment has just been adopted.

Mr. WHERRY. That is what I am inquiring about.

The VICE PRESIDENT. No; that amendment, at the request of the Senator from Louisiana, if there is no objection, will be passed over.

Mr. O'MAHONEY. I misunderstood the situation, Mr. President.

The VICE PRESIDENT. If there is no objection, the clerk will state the next amendment.

Mr. WHERRY. Mr. President, I should like to have the distinguished Senator from Louisiana answer my question as to whether or not the agreement that was made in any way affects the committee amendment in lines 13 and 14, on page 5?

Mr. OVERTON. In my opinion, it does.

Mr. WHERRY. Does the agreement in any way override the committee amendment which provides that no sale of such water shall adversely affect the uses of such water that are now provided by the different States in the Missouri Valley?

Mr. OVERTON. The agreement has not yet been entered into, but there is a very good prospect of it being entered into, and I desire to have consideration of this amendment and certain other amendments passed over in order to determine whether or not there can be an agreement.

Mr. WHERRY. Then it is proposed to pass over this amendment at this time?

Mr. OVERTON. It is proposed to pass over the amendment at this time.

Mr. WHERRY. I thank the Senator.

Mr. MURRAY. Mr. President, before we leave this amendment I should like to inquire of the Senator in charge of the

bill whether or not the agreement about which he is talking, which is supposed to be in process of formulation, is the amendment proposed by the Senator from Wyoming [Mr. O'MAHONEY] and other Senators, known as the O'Mahoney amendment.

Mr. OVERTON. With modifications and alterations which have not as yet been agreed upon.

Mr. MURRAY. Then the printed amendment purporting to be the O'Mahoney amendment will not be the amendment subject to the agreement?

Mr. WHERRY. Mr. President, we on this side of the Chamber cannot hear what is going on. I should like to hear the remarks which are being made, because I should like to know something about the amendment, if it is still under consideration.

The VICE PRESIDENT. The amendment has been passed over.

Mr. WHERRY. Very well. In any event, however, we on this side of the Chamber would like to hear the discussion.

Mr. OVERTON. The question propounded to me by the Senator from Montana [Mr. MURRAY] was whether or not the last version of the O'Mahoney amendment as now printed represented the agreement which had been entered into, and I told him that it would be the basis of the agreement, but there were to be modifications and alterations which have not as yet been agreed upon.

Mr. WHERRY. I thank the Senator.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. OVERTON. I yield.

Mr. WHITE. The Senator refers to an agreement. An agreement between whom?

Mr. OVERTON. An agreement between the proponents of the amendment and myself and other representatives of the committee.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. OVERTON. I yield.

Mr. O'MAHONEY. I may say for the benefit of all those who have cooperated in the preparation of the amendment which has been designated as the O'Mahoney-Millikin amendment, that the purpose has at all times been to protect the historic and traditional rights of the people of the West to use the waters rising in the West in the manner which has been recognized by law and by court decision for almost 100 years. It is also the purpose of those who have been sponsoring this amendment to make certain that there shall be the largest possible opportunity for the public authorities of States interested to review plans which may seriously affect conditions within the States. It has been the belief of the distinguished Senator from Colorado [Mr. MILLIKIN] and myself and others who have been in repeated conference that this can be done. We believe that our trouble is largely one of writing language which clearly conveys the thoughts which are in the minds of the distinguished chairman of the subcommittee in charge of the bill and ourselves.

There have been numerous conferences. There have been some minor changes of language. Each change has served, in my opinion, to bring us closer to an understanding; but I want all the Senators who represent what are commonly called the arid-land States to know that there has been no agreement which sacrifices the rights of the people of those States, and, so far as I am concerned, there will be no such agreement, and it is my understanding that the distinguished senior Senator from Louisiana is not asking us to make any such sacrifices.

Mr. AIKEN. Mr. President, will the Senator yield for a question?

Mr. OVERTON. Yes.

Mr. AIKEN. Is it also the desire of the Senator from Louisiana that the paragraph referring to the Connecticut River Basin go over? Because if an agreement is reached on the O'Mahoney amendment, it probably would automatically take care of the Connecticut River controversy.

Mr. OVERTON. The Senator is correct. We desire that to go over.

Mr. AIKEN. And the committee amendment which provides "That none of the dams herein authorized for the Connecticut River Basin shall be utilized for generation of hydroelectric power" will go over?

Mr. OVERTON. All of the paragraph will go over. All of the O'Mahoney amendment will go over, and the committee amendment in reference to the Connecticut River Basin will go over.

Mr. AIKEN. I thank the Senator.

Mr. OVERTON. That will be my request, that it go over.

Mr. MURRAY. Mr. President, will the Senator yield?

Mr. OVERTON. I yield.

Mr. MURRAY. I should like to ask the distinguished Senator from Wyoming a question with reference to his proposed amendment. Am I to understand that this amendment, as it will be finally formulated, will iron out all the differences which have heretofore existed between the Bureau of Reclamation and the Army engineers with reference to the water rights of the upper States of the Missouri Valley?

Mr. O'MAHONEY. I am hoping that it will.

Mr. MURRAY. The Senator could not give us any absolute assurance?

Mr. O'MAHONEY. Of course, until there is an agreement I cannot give anyone an assurance as to what the contents of the agreement will be.

Mr. MURRAY. The Senator has found it very difficult in his efforts in the past to bring about this agreement to obtain any satisfactory response; is that not true?

Mr. O'MAHONEY. No; that is not true. As a matter of fact, I think we have had a very satisfactory response. The difficulty, as I said a moment ago, comes largely from the fact that Members of the Senate are so extremely busy it is not always possible to get all those who are interested in a particular problem together at the same time, and therefore it becomes necessary to go over in detail any changes of language with all

those who may be concerned. I want to assure the Senator that the whole matter will be completely and fully explained upon the floor before there is any conclusion reached.

Mr. MURRAY. Mr. President, I have received a number of telegrams from my State urging me to support the O'Mahoney amendment in the form it appeared several days ago. The senders of the telegrams want me to support the amendment in that form. Now, do I understand that the changes which will take place in the amendment will make it necessary for me to contact the people in Montana who have telegraphed to me about this matter?

Mr. O'MAHONEY. No; I am sure that no changes will be made which will make it necessary for the Senator from Montana to make contact with those persons, because they are interested, as I am interested, and as the Senator from Montana is interested, in maintaining the rights of individuals to use the water that arises within these States. That is the objective of the amendment, it has been its objective from the very beginning, it will continue to be its objective, and I am happy to say to the Senator from Montana that I am most encouraged by the most amicable and understanding attitude of the Senator from Louisiana.

Mr. MURRAY. If I may be permitted to say so, what struck me as rather strange was the fact that the telegrams which I have received from Montana had reference only to the O'Mahoney amendment. The senders gave no consideration whatever to the other features of the pending bill, among them the Bailey amendment, which struck me as being of very serious consequences to the Western States, because if that amendment were adopted—

Mr. O'MAHONEY. But it was not adopted. It was defeated, and the Senator from Montana and I were quite in agreement respecting it.

Mr. MURRAY. The point I am making is that the telegrams which I have received seem to devote attention to only one phase of the problem. It struck me that the most serious thing about this whole legislation is that it is designed—or it will be contended, at least, after it is passed, that it is designed—to obviate the necessity for a Missouri Valley Authority. If it had been adopted in its original form it would have hamstrung the entire West by turning over to the power interests control of the power which would be developed as a result of the program envisaged by the pending measure. It struck me as being very strange that those who have telegraphed me would overlook such a vitally important phase of the legislation and concentrate on one problem, namely that of the rights of the upper States. If we should have a Missouri Valley Authority there would be no question whatever about the upper States being protected. The President has so stated in his references to the Missouri Valley Authority and to the T. V. A. It strikes me that the entire bill should go over until we have an opportunity carefully to analyze it. The bill has been hastily thrown together, and contains many projects

which have not been properly engineered. I intend to discuss this matter later at some length, and point out the danger of passing this bill in its present form; but I wished to inquire at this time exactly what the status of the O'Mahoney amendments was. I understand that they have not as yet been agreed upon, and that those interested in the subject are working on them and expect to have them ready in the near future.

Mr. O'MAHONEY. That is correct.

The VICE PRESIDENT. The Clerk will state the next committee amendment passed over.

The CHIEF CLERK. On page 5; after line 24, it is proposed to strike out:

SEC. 6. Hereafter, whenever in the opinion of the Secretary of War and the Chief of Engineers any dam and reservoir project operated under the direction of the Secretary of War can be consistently used for reclamation of arid lands, it shall be the duty of the Secretary of the Interior to prescribe regulations under existing reclamation law for the use of the storage available for such purpose, and the operation of any such project shall be in accordance with such regulations. Such rates, as the Secretary of the Interior may deem reasonable, shall be charged for the use of said storage; the moneys received to be deposited into the Treasury to the credit of miscellaneous receipts.

And insert:

SEC. 8. Hereafter, whenever the Secretary of War determines, upon recommendation by the Secretary of the Interior that any dam and reservoir project operated under the direction of the Secretary of War may be utilized for irrigation purposes, the Secretary of the Interior is authorized to construct, operate, and maintain, under the provisions of the Federal reclamation laws (act of June 17, 1902, 32 Stat. 388, and acts amendatory thereof or supplementary thereto), such additional works in connection therewith as he may deem necessary for irrigation purposes. Such irrigation works may be undertaken only after a report and findings thereon have been made by the Secretary of the Interior as provided in said Federal reclamation laws and after subsequent specific authorization of the Congress by an authorization act; and, within the limits of the water users' repayment ability such report may be predicated on the allocation to irrigation of an appropriate portion of the cost of structures and facilities used for irrigation and other purposes. Dams and reservoirs operated under the direction of the Secretary of War may be utilized hereafter for irrigation purposes only in conformity with the provisions of this section, but the foregoing requirement shall not prejudice lawful uses now existing.

Mr. OVERTON. Mr. President, this amendment will be the subject of the O'Mahoney agreement, and I ask that it be passed over.

The VICE PRESIDENT. Without objection, the amendment will be passed over.

The clerk will state the next committee amendment passed over.

The CHIEF CLERK. On page 10, line 5, after the word "site", it is proposed to insert "Provided further, That none of the dams herein authorized for the Connecticut River Basin shall be used for the generation of hydroelectric power."

Mr. OVERTON. Mr. President, that amendment relates to the Connecticut River Basin, and should be passed over.

The VICE PRESIDENT. Without objection, the amendment will be passed over.

The clerk will state the next committee amendment passed over.

The CHIEF CLERK. On page 21, after line 2, it is proposed to insert:

In the interest of developing the natural resources of the Missouri River Basin there is hereby created a commission to be known as the Missouri River Commission, which shall be in the War Department and shall function in accordance with existing law under the direction of the Secretary of War and the supervision of the Chief of Engineers in planning, constructing, operating, and maintaining improvements for navigation and flood control in the Missouri River Basin. The Missouri River Commission shall consist of the same number of members with the same qualifications and methods of appointment, replacement, and removal as prescribed in the act approved June 28, 1879, for the Mississippi River Commission and the compensation for the members of the Missouri River Commission shall be the compensation presently provided for members of the Mississippi River Commission. The President of the Missouri River Commission shall have the same qualification and shall be designated in the manner prescribed by existing law for the President of the Mississippi River Commission and he shall have the same functions and perquisites, including title, pay, allowances, and rank while actually serving as President of the Missouri River Commission, as well as the same subsequent retirement privileges under the same conditions as prescribed by law for the President of the Mississippi River Commission.

Mr. MURRAY. Mr. President, I should like to have the Senator in charge of the bill explain the effect of this amendment.

Mr. OVERTON. Mr. President, this amendment was offered by the senior Senator from Missouri [Mr. CLARK], and agreed to by the committee. I regret that he is not present in the Chamber. I had requested him to make an explanation of the amendment when it arose. However, I believe I understand it. I think it speaks for itself.

The origin of this amendment lies in what is known as the Mississippi River Commission. The contention made by the Senator from Missouri during the course of the hearings before the committee was that not very much had been accomplished toward controlling the floods in the lower regions of the Mississippi River until a commission had been appointed, and that the Commission had done a very meritorious work. It was his thought that such a commission organized for the Missouri River Basin would do equally fine work and that it would be very helpful.

The Mississippi River Commission has no authority; nor would the Missouri River Commission contemplated by this amendment have any authority. They would be advisory boards or commissions. The Mississippi River Commission meets with the division engineer and considers plans, makes suggestions, recommends modifications, and even suggests radical changes. Such recommendations are considered by the division engineer, and if approved by him, or not approved by him, he makes his report to the Board of Engineers for Rivers and Harbors, and

the Board of Engineers for Rivers and Harbors then passes on the project.

Of course, as I have repeatedly stated, no project originates anywhere except in Congress. Congress must authorize a preliminary investigation and survey in order to initiate any project. Then it is considered by the district engineer, and goes to the division engineer. When it gets to the division engineer and the Mississippi River Commission, the Mississippi River Commission is supposed to advise the division engineer as to whether the proposed project is good or bad, or requires any changes or alterations. So its function is purely advisory.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. OVERTON. I yield.

Mr. O'MAHONEY. In view of the fact that there has been introduced and is pending before the Committee on Agriculture and Forestry, for study by that committee and by the Committee on Irrigation, a proposal to establish a Missouri Valley Authority, a proposal which will undoubtedly attract the attention of practically all Members of this body, does not the Senator feel that it would be advisable to pass over this amendment altogether and not adopt it, because of the apparent conflict between the proposal to set up a Missouri Valley Commission and the proposal to establish a Missouri Valley Authority?

Mr. OVERTON. If I may interrupt the Senator, I believe that the apparent conflict is more superficial than real, because a Missouri Valley Authority would have authority. A Missouri River Commission would have no authority. It would be merely an advisory board. I do not believe that it would make any great difference whether such an agency were organized or not, except from this standpoint: Such bodies, as a rule, are composed of very able engineers, as well as civilians who are deeply interested. On the Mississippi River Commission there are three engineers and three civilians, and they are very helpful in the advice they give; but that is entirely different from an Authority. There is no relation whatsoever.

Mr. O'MAHONEY. If the Senator will bear with me, my point is that there is no essential conflict between this bill, as I envisage it—and as I think the Senator from Louisiana envisages it—and a Missouri Valley Authority. The mere fact that we authorize the Corps of Engineers and the Bureau of Reclamation to undertake post-war works of a character similar to those which have been constructed in the past by those agencies does not in any way whatsoever limit or change the power and jurisdiction of this Congress or of any future Congress to establish any type of new agency which it may deem desirable or in the public interest.

Mr. OVERTON. The Senator is absolutely correct in that respect. There is no difference between him and me in that regard.

Mr. O'MAHONEY. But when we have an amendment which provides for setting up a special kind of commission, even though it be only advisory, as the

Senator has said, but is a new commission, and do that at a time when a substantial number of our colleagues are urging the creation of a valley authority, do we not thereby invite a controversy which we can very well eliminate? My feeling, Mr. President, is that we shall proceed much more rapidly in the consideration of this bill by eliminating the amendment altogether, rather than by attempting to adopt it.

Mr. OVERTON. Mr. President, far be it from me to take a position in opposition to what the committee has recommended be incorporated in the bill. I cannot very well do that.

I regret that the Senator from Missouri is not now in the Chamber. As soon as this matter came up, I asked one of the pages to notify him that the amendment was under consideration on the floor. I should like to have the Senator from Missouri present in the Chamber when it is considered. But I do not know where he is, and no one else seems to know.

Mr. President, I have made a full statement about the matter; I have stated the full reasons for it, and have stated what its effect would be.

Mr. LANGER. Mr. President, will the Senator yield for a question?

Mr. OVERTON. I yield for a question.

Mr. LANGER. In line 15, on page 21, provision is made for compensation for the members of the Missouri River Commission. Let me ask what the compensation is to be, as proposed at the present time?

Mr. OVERTON. Seven thousand five hundred dollars per annum.

Mr. LANGER. How many members are there to be on the Commission?

Mr. OVERTON. Six.

Mr. WHERRY. Mr. President, I should like to endorse what has been said by the distinguished senior Senator from Wyoming [Mr. O'MAHONEY]. I should like to eliminate the entire amendment from the bill, if that were possible, but at least I should like to have it passed over until there is a final determination of the Missouri Valley Authority amendment, if it is to be offered.

My reason for making that statement is that if the board is to be an advisory board—and I understand that the Mississippi River Commission operates as an advisory board—it would to some extent help create the policy. In my State we have not only those who believe in navigation and those who believe in power, but we also have in the State a large number of persons who believe in irrigation. If the Commission is appointed with a membership which is more favorable to navigation than to irrigation, or more favorable to irrigation than to navigation, we shall have conflicting interests in the State of Nebraska.

I feel that the bill, without provision in it for the Commission, will not be hurt any; and if there is to be a final authority at all, such as has already been suggested by the junior Senator from Montana [Mr. MURRAY], it would seem to me that everything that is provided for in the provision for the establishment of a

Missouri River Commission will be considered by that particular Authority. I, for one, hoping that all the interests of Nebraska may be represented, and that it will not be by the appointment of a commission composed of three civilians and three engineers, trust that the committee amendment will not be adopted or, at least, that it will be passed over until the Missouri Valley Authority amendment is brought up on the floor of the Senate and until we have a determination of it.

Mr. MURRAY. Mr. President, I wish to say that I am in full accord with what has been said by the able senior Senator from Wyoming [Mr. O'MAHONEY] and the able junior Senator from Nebraska [Mr. WHERRY] with reference to this amendment. It seems to me that the only excuse for the proposed provision is the fact that heretofore the Bureau of Reclamation and the Board of Army Engineers for Rivers and Harbors have not been able to agree on a proper program for the regulation of the river as an entire matter. In view of the fact that an effort is now being made to get those two agencies to agree upon a unified method of handling problems on the river, it seems to me there will be no need for the Commission which is proposed to be set up. It would be only advisory, as stated by the distinguished senior Senator from Louisiana [Mr. OVERTON], and could have no effect.

But it is stated that the purpose and object of setting up the Commission are to offset the need for a Missouri Valley Authority. It may be that after the Commission is set up, attempts will be made to amend it and to expand its power and authority, and, instead of having it merely advisory, to give it administrative and executive powers in connection with the handling of the problems on the river.

It seems to me there is no need at all for the Missouri River Commission Amendment. It was introduced into the bill by the Senator from Missouri, who devotes his whole thought to the subject of flood control. He stated on the floor of the Senate on Friday that he was opposed to the Missouri Valley Authority and that he was in favor of the Missouri River Commission idea wholly from the standpoint of providing protection from floods for the lower States. I can see no benefit whatever from it. I join with the two Senators who have just preceded me in discussing this matter, in asking that this provision be entirely eliminated from the bill.

The PRESIDING OFFICER (Mr. HATCH in the chair). The question is on agreeing to the committee amendment beginning on line 3, page 21.

Mr. MILLIKIN. Mr. President, I believe it might be well to have before us the provisions of the act which are referred to in the amendment. They are rather brief, and I believe it will be helpful to have them appear in the RECORD.

The statute which was originally passed, and which has since been amended in ways which I do not think are material for purposes of the present discussion, is as follows:

Chapter 43

An act to provide for the appointment of a Mississippi River Commission for the improvement of said river from the Head of the Passes near its mouth to its headwaters

Be it enacted, etc., That a Commission is hereby created, to be called the Mississippi River Commission, to consist of seven members.

SEC. 2. The President of the United States shall, by and with the advice and consent of the Senate, appoint seven commissioners, three of whom shall be selected from the Engineer Corps of the Army, one from the Coast and Geodetic Survey, and three from civil life, two of whom shall be civil engineers. And any vacancy which may occur in the Commission shall in like manner be filled by the President of the United States; and he shall designate one of the commissioners appointed from the Engineer Corps of the Army to be president of the Commission. The commissioners appointed from the Engineer Corps of the Army and the Coast and Geodetic Survey shall receive no other pay or compensation than is now allowed them by law, and the other three commissioners shall receive as pay and compensation for their services each the sum of \$3,000 per annum; and the commissioners appointed under this act shall remain in office subject to removal by the President of the United States.

SEC. 3. It shall be the duty of said Commission to direct and complete such surveys of said river, between the Head of the Passes near its mouth to its headwaters as may now be in progress, and to make such additional surveys, examinations, and investigations, topographical, hydrographical, and hydrometrical, of said river and its tributaries, as may be deemed necessary by said Commission to carry out the objects of this act. And to enable said Commission to complete such surveys, examinations, and investigations, the Secretary of War shall, when requested by said Commission, detail from the Engineer Corps of the Army such officers and men as may be necessary, and shall place in the charge and for the use of said Commission such vessel or vessels and such machinery and instruments as may be under his control and may be deemed necessary. And the Secretary of the Treasury shall, when requested by said Commission, in like manner detail from the Coast and Geodetic Survey such officers and men as may be necessary, and shall place in the charge and for the use of said Commission such vessel or vessels and such machinery and instruments as may be under his control and may be deemed necessary. And the said Commission may, with the approval of the Secretary of War, employ such additional force and assistants, and provide, by purchase or otherwise, such vessels or boats and such instruments and means as may be deemed necessary.

SEC. 4. It shall be the duty of said Commission to take into consideration and mature such plan or plans and estimates as will correct, permanently locate, and deepen the channel and protect the banks of the Mississippi River; improve and give safety and ease to the navigation thereof; prevent destructive floods; promote and facilitate commerce, trade, and the Postal Service; and when so prepared and matured, to submit to the Secretary of War a full and detailed report of their proceedings and actions, and of such plans, with estimates of the cost thereof, for the purposes aforesaid, to be by him transmitted to Congress: *Provided*, That the Commission shall report in full upon the practicability, feasibility, and probable cost of the various plans known as the jetty system, the levee system, and the outlet system, as well as upon such others as they deem necessary.

Sec. 5. The said Commission may, prior to the completion of all the surveys and examinations contemplated by this act, prepare, and submit to the Secretary of War plans, specifications, and estimates of costs for such immediate work as, in the judgment of said Commission, may constitute a part of the general system of works herein contemplated, to be by him transmitted to Congress.

Sec. 6. The Secretary of War may detail from the Engineer Corps of the Army of the United States an officer to act as secretary of said Commission.

Sec. 7. The Secretary of War is hereby authorized to expend the sum of \$175,000, or so much thereof as may be necessary, for the payment of the salaries herein provided for, and of the necessary expenses incurred in the completion of such surveys as may now be in progress, and of such additional surveys, examinations, and investigations as may be deemed necessary, reporting the plans and estimates, and the plans, specifications, and estimates contemplated by this act, as herein provided for; and said sum is hereby appropriated for said purposes out of any money in the Treasury not otherwise appropriated.

Approved June 28, 1879.

With the exact terms of the statute before us I believe it will be clear that in the main the functions of the Commission have already been performed through the reconciliation of the plan of the Bureau of Reclamation and of the engineers on the Missouri River. I therefore see no point in the proposed amendment, and if we are to have something of that kind it should be broadened to give representation to the Bureau of Reclamation and to the States which are involved. I do not believe the statute would serve any useful purpose whatsoever in connection with this particular bill.

Mr. LANGER. Mr. President, will the Senator yield?

Mr. MILLIKIN. I yield.

Mr. LANGER. Referring again to the Missouri River Commission, I should like to have the opinion of the Senator from Colorado as to why a Commission composed of six members should receive salaries of \$7,500 a year each, when they would have no work to perform, would have no responsibilities, and would merely serve in an advisory capacity?

Mr. MILLIKIN. I see no purpose in the Commission, and therefore no purpose in any salary which the members of the Commission would be paid. I believe that the services which they would perform have already been performed by others.

Mr. LANGER. We have already paid for the services and have paid the engineering bill.

Mr. MILLIKIN. Exactly.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

Mr. WHITE. Mr. President, some discussion was had with reference to passing the amendment over. Has the amendment been passed over?

The PRESIDING OFFICER. No request has been made to pass over the amendment.

Mr. MILLIKIN. Mr. President, if I did not do so, I ask unanimous consent

to have the entire statute printed in the RECORD in connection with my remarks.

Mr. OVERTON. Mr. President, I ask unanimous consent that all laws amendatory to the statute be included.

Mr. MILLIKIN. I am agreeable to the request of the Senator from Louisiana.

There being no objection, the laws amendatory to the statute were ordered to be printed in the RECORD, as follows:

EXTRACT FROM 31 STATUTES AT LARGE 792-793
An act amending the act providing for the appointment of a Mississippi River Commission, and so forth, approved June 28, 1879

Be it enacted, etc., That an act entitled "An act to provide for the appointment of a Mississippi River Commission, for the improvement of said river from the head of the passes near its mouth to its headwaters," approved June 28, 1879, be amended by adding thereto the following section:

"SEC. 8. That the headquarters and general offices of said Commission shall be located at some city or town on the Mississippi River, to be designated by the Secretary of War, and the meetings of the Commission except such as are held on Government boats during the time of the semiannual inspection trips of the Commission shall be held at said headquarters and general offices, the times of said meetings to be fixed by the president of the Commission, who shall cause due notice of such meetings to be given members of the Commission and the public."

Approved, February 18, 1901.

EXTRACT FROM RIVER AND HARBOR ACT OF JULY 25, 1912 (37 STAT. 818)

The traveling expenses of the civilian members of the Mississippi River Commission, and of the assistant engineer of the Board of Engineers for Rivers and Harbors, when on duty, shall be computed and paid in the same way as the traveling expenses of the Army members of said Commission and of said Board.

EXTRACT FROM MISSISSIPPI RIVER FLOOD CONTROL ACT OF MAY 15, 1928 (45 STAT. 537)

SEC. 8. The project herein authorized shall be prosecuted by the Mississippi River Commission under the direction of the Secretary of War and supervision of the Chief of Engineers and subject to the provisions of this act. It shall perform such functions and through such agencies as they shall designate after consultation and discussion with the president of the Commission. For all other purposes the existing laws governing the constitution and activities of the Commission shall remain unchanged. The Commission shall make inspection trips of such frequency and duration as will enable it to acquire first-hand information as to conditions and problems germane to the matter of flood control within the area of its jurisdiction; and on such trips of inspection ample opportunity for hearings and suggestions shall be afforded persons affected by or interested in such problems. The president of the Commission shall be the executive officer thereof and shall have the qualifications now prescribed by law for the Assistant Chief of Engineers, shall have the title brigadier general, Corps of Engineers, and shall have the rank, pay, and allowances of a brigadier general while actually assigned to such duty: *Provided*, That the present incumbent of the office may be appointed a brigadier general of the Army, retired, and shall be eligible for the position of president of the Commission if recalled to active

service by the President under the provisions of existing law.

The salary of the president of the Mississippi River Commission shall hereafter be \$10,000 per annum, and the salary of the other members of the Commission shall hereafter be \$7,500 per annum. The official salary of any officer of the United States Army or other branch of the Government appointed or employed under this act shall be deducted from the amount of salary or compensation provided by, or which shall be fixed under, the terms of this act.

Mr. CLARK of Missouri. Mr. President, the amendment providing for the creation of the Missouri River Commission was originally submitted by me in the form of a separate bill. The amendment was suggested to me by the War Department with which I had been working in connection with matters concerning flood control.

The subject of flood control is, of course, most vitally important to the people at the lower end of the Missouri Valley. The suggestion appeared to be so logical, so natural, and so imperative that I was glad to introduce a bill containing a provision for the Missouri River Commission. I may also state that the suggestion was originally made to me by one of the greatest engineers who ever served in the Engineer Corps of the United States Army, the members of which are in my opinion the greatest flood-control engineers in the United States. I refer to General Pick, who is now the builder of the famous Lido Road from India to Burma. The suggestion was to have a body modeled in all respects upon the Mississippi River Commission, which has been such a notable and monumental success in the relief of the lower Mississippi River Valley from the threat of disastrous floods. Under the leadership of General Ferguson the Mississippi River Commission has been so successful in the lower Mississippi Valley that in all the disastrous floods which have taken place in the last few years on the Missouri, on the Ohio, and on the upper Mississippi, the main stem of the Mississippi from Vicksburg to the mouth of the river has been free from the threat of disasters such as have befallen other portions of the valley.

Mr. President, it may be that there should be some change brought about in the composition of the proposed Missouri River Commission, perhaps by leaving out the member who would represent the Coast and Geodetic Survey and including a representative from the Reclamation Service. But as to the principle involved, it seems to me there can be no question that the measure would be calculated to alleviate to a very large extent the tragedy which year after year befalls the lower Missouri Valley, and the Mississippi Valley below the mouth of the Missouri.

Mr. President, during the year before last in the lower Missouri, from the mouth of the Osage to the mouth of the Missouri, we had not only one but three disastrous floods. I have seen land with which I had been familiar since I was a boy, and which had never in 60 years of cultivation produced less than 110

bushels of corn to the acre, lying under 5 or 6 feet of white sand cast up by the Missouri River. The cultivation of the land will probably be retarded for a generation, and the restoration of the land to its normal full fertility will probably never be possible. In the same year in St. Charles County, Mo., I saw land which was worth \$275 or \$300 an acre, and as fertile as any land to be found in the Valley of the Nile, absolutely destroyed. This was 6 weeks after the flood. A river 25 feet deep and 30 feet wide was running a current right through the middle of the farms which I have in mind. There was not a place as wide as 8 feet without a destructive gully running through it.

Mr. MURRAY. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield.

Mr. MURRAY. Is it not true that the conditions which the Senator from Missouri is now discussing are due to the fact that there has been no unified method of handling problems on the river? Is it not also true that the Senator now contemplates, as a result of this program, the construction of huge works on the upper stretches of the tributaries of the river, where large reservoirs and dams will be erected which will do more to help the lower States in the control of floods than any levees or works such as the Mississippi River Commission has been constructing for the last 20 years?

Mr. CLARK of Missouri. Mr. President, it would depend entirely on circumstances. The bill which I introduced would contemplate the construction of reservoirs on the upper reaches of the river. The contemplated plan would include some large reservoirs in my own State. In my judgment, it would also be necessary to have levees constructed on the lower reaches of the river. More important than anything else, it seems to me, would be to make every effort—and it was included as a separate title in my bill—to keep a great deal of the water on the land where it falls. In other words, it seems to me that we need all three of those benefits or methods. First, we need to retain as much as possible of the water on the land where it falls, and prevent it from draining into the tributaries. It is necessary, in my opinion, to have large reservoirs, or catch basins—whatever we may please to call them—on the upper and on the lower reaches not only of the Mississippi but the Missouri as well, and it is necessary to have levees.

I do not think the levee system has proved entirely successful as a separate proposition, although it undoubtedly saved the inundation of millions of acres of very rich land from time to time. Something more than a levee system is necessary. The Mississippi River Commission have done a superb work in their testing basin at Vicksburg. They worked out the matter of currents and floods in the Mississippi River, the elimination of a great many of the tortuous curves that used to be in the river, and the finding of other outlets. There have been tremendous floods in the last few years on the upper Mississippi and the Missouri, sometimes as many as three of them a year, I might say to the Senator from

Montana that not all that water came from Montana, Wyoming, or any other places in the upper reaches of the Missouri River; a part came as the result of heavy rainfalls in Kansas and Missouri. But in all those tremendous floods the most disastrous in all history, the lower Mississippi, the section from Vicksburg to the mouth, which was formerly and from time immemorial the danger spot, the most vital and the most vulnerable of any place in the whole Mississippi Valley, has been free from those disasters. I think that the work of the Mississippi River Commission has been a tremendous factor in effectuating that result. It has been brought about under their leadership.

It does not seem to me that whether there shall be a Missouri River Commission, based on the same principles as the Mississippi River Commission, has anything whatever to do with the question whether ultimately Congress might decide to set up a Missouri Valley Authority, to which, so far as I am concerned, I will say frankly, according to my present lights, I am opposed. I think the Missouri Valley is too vast a section of the United States for the principle of the Tennessee Valley Authority to be applicable, certainly according to the lights we have at the present time.

So the establishment of the Missouri River Commission designed to handle the desperate emergency we have been facing year after year and sometimes three times in one year, does not seem to me to have anything whatever to do with the question of whether Congress ultimately desires to set up some other and more comprehensive scheme.

What I am pleading for is relief for the people who are being flooded away from their land. We are suffering loss of life, we are suffering tremendous loss of property. At a time when the effort is being made to have the United States feed the world we are losing incalculable sums by these constantly recurring floods.

I have another amendment which I intend to offer, as I suggested the other day. I think it is also very important as affecting the question of controlling and handling floods. Someone has to be put in charge of that work, and I propose the Corps of Engineers simply because I think they are better qualified than anyone else. I propose that the same authority shall control and regulate the dams of this country, both privately and publicly owned, for the purpose of preventing the occurrence of floods on the lower reaches of these rivers.

We had an example—I do not know whether the Senator happened to be in the Chamber the other day when I made reference to it—in the case of the Osage River in Missouri. The Bagnell Dam, owned and operated by a public utility which was privately owned, created a lake in the Ozarks. The lake was allowed to get full of water. Then heavy rains ensued, and they finally opened the flood gates and permitted a 12-foot head of water to go down the Osage River and into the Missouri and thence into the Mississippi, wreaking terrific damage as far down the Mississippi River as Cairo. At about the same time precisely the same

thing happened in the case of the Pensacola Dam in Oklahoma, which was a publicly owned dam and under public operation. I say there ought to be some authority that can compel the operation of all such dams in such a way as not to create a serious menace to the people who live along any stream.

Coming back to the question of the Missouri River Commission, I want to repeat that there seems to me to be absolutely no reason to assume that by reason of the creation of the Missouri River Commission, based on precisely the same principles as the Mississippi River Commission, which has been so successful, any attempt is being made to make any commitments as to future policy of Congress against a more comprehensive scheme such as the Missouri Valley Authority. All we are seeking to do is to afford relief to the people of the Missouri Valley from the tragic and desperate situation which now confronts them. It is, it seems to me, an emergency matter.

Mr. MURRAY. Mr. President, I appreciate the very able argument the Senator from Missouri has just made, and I can understand his apprehensions with reference to flood problems in his section of the Missouri River. But it seems to me, unless it is absolutely necessary that we should have this Commission set up, that we should not undertake to set it up at this time. It would be a new Commission; it would add a new organization to the Government set-up.

Mr. CLARK of Missouri. Mr. President, the Senator and I both have voted for so many new commissions and boards and bureaus and organizations since we have been Members of the Senate that in a matter which I consider to be a desperate emergency I do not think we should hesitate about the proposal. I have usually been reluctant to vote for the creation of new commissions, but in view of the fact that there is an established model for the Commission now proposed, it seems to me that in that situation the people affected are entitled to some relief.

We have a situation, I will say to the Senator, which would make it very difficult for a Missouri Valley Authority to operate effectively. At one place the Missouri River cuts through the Mississippi a distance of some 15 miles above the mouth of the Missouri. If we do not have a Missouri Valley Commission, who will have jurisdiction over the water that is coming down from Missouri and going across into the Mississippi above the mouth of the Missouri?

Mr. MURRAY. Is it not true that the need for such a Commission as the Senator is talking about will largely be obviated as a result of the understanding that is sought to be brought about between the various interests on the river and the Bureau of Reclamation and the Army engineers?

Mr. CLARK of Missouri. So far as that is concerned, I am very happy that that agreement is being worked out. I think that is something which ought to have been done a long time ago. It is only common sense to have that done. But I repeat what I said a moment ago that we who are living on the lower reaches of the Missouri River are under

the gun. We are being flooded, we are having our lives endangered and our property destroyed, and, no matter what agreement may be made by the Bureau of Reclamation and the Corps of Army Engineers as to these great reservoirs, which I am sure will be helpful in preventing floods, we need a commission that could accomplish in some degree what the Mississippi River Commission has worked out for the lower Mississippi. Let me say that that was not done particularly by building reservoirs; it was done by a study of the problems, the creation of new outlets, eliminating tortuous turns in the Mississippi River, and, heaven knows, there is no stream on the face of the earth that has more tortuous turns to be brought under control than the lower reaches of the Missouri River.

It does seem to me that, whatever may be the ultimate policy of the Government as to a Missouri Valley Authority, the people in the lower end of the Missouri Valley are entitled to such relief as I believe would be afforded by the creation of the Missouri River Commission and they are entitled to it now. I do not wish to belabor the subject.

Mr. MURRAY. Mr. President, it seems to me that in the absence of an effort to bring about a greater degree of unity and cooperation between the various Federal agencies which are working on this river problem, there can be no need now for this purely advisory commission. All they could do would be to advise. Would it not be true that, as a result of the engineers representing the various agencies working on the river, those engineers would be able to study the problem?

Mr. CLARK of Missouri. It may be true that this would be an advisory commission, but such advice has been of incalculable value in the case of the Mississippi River. Certainly no one could be more zealously in favor of the principle of coordination of various Government agencies than I am and have always been; but, as I have said, it is like the man whose house was burning and he was told, "Well, we will go down and have a consultation as to the best methods of fire protection and the best insulation, and we will let you know after your house has burned down." We are "under the gun," we are being flooded, we are losing property, we are losing lives, and therefore it seems to me that whatever may be the ultimate policy of the Government, and whatever degree of coordination may ultimately be worked out, the creation of the Missouri River Commission would be a very beneficial step.

The PRESIDING OFFICER (Mr. TUNNELL in the chair). The question is on agreeing to the amendment of the committee on page 21, beginning in line 3.

The amendment was rejected.

The PRESIDING OFFICER. The clerk will state the next amendment passed over.

The LEGISLATIVE CLERK. On page 45, after line 23, it is proposed to add a new section, as follows:

SEC. 15. (a) The Chief of Engineers of the United States Army is authorized and directed to make examinations of any privately owned or operated dam constructed across navigable waters of the United States, or across tributaries thereof.

(b) Whenever it shall appear, after reasonable notice and opportunity for hearing to the person or corporation owning or controlling any such dam, that such dam is being operated or maintained in such a manner as to jeopardize the safety of persons or property either above or below such dam, the Chief of Engineers shall enter orders requiring such changes in the operation or maintenance of such dam as he deems appropriate and necessary, and prescribing a reasonable time within which such changes shall be made. If, at the end of such reasonable time, the changes in operation or maintenance ordered by the Chief of Engineers have not been made, the Chief of Engineers shall notify the United States district attorney for the district in which such dam or any part thereof is situated, who shall forthwith cause criminal proceedings to be instituted against the person, or corporation, owning or controlling such dam.

(c) Any person or corporation willfully failing or refusing to comply with an order of the Chief of Engineers issued pursuant to this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding \$5,000. Every month during which such willful failure or refusal continues shall be deemed to be a separate offense and shall subject such person or corporation to the penalties herein prescribed.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. MILLIKIN. Mr. President, may we have an explanation of the amendment?

Mr. CLARK of Missouri. Mr. President, I was just undertaking to explain the amendment in my colloquy a few minutes ago with the Senator from Montana. The idea of the amendment came from two incidents which I observed during the floods of 2 years ago. One was in connection with the Grand River Dam, in Oklahoma, the other was in connection with the Osage River Dam, in Missouri, one publicly operated, the other privately operated, but both of them so misoperated that they caused very disastrous floods, indeed, some of the most disastrous floods in history.

The purpose of the amendment is merely to provide some police power which in a proper case can advise the operators of dams, whether public or private, when they are endangering life and property owners either above or below the danger point, and it does not make any difference which, from that standpoint. The purpose is to bring about a situation that it will not be possible for private operators of a dam such as that on the Osage River to open up their flood gates and let a 12-foot head of water go down the Osage River, thence into the Missouri, thence into the Mississippi, causing untold millions of dollars of damage, and destroying some natural resources which can probably never be replaced.

The theory of the amendment is merely to have some authority, it does not make a great deal of difference which authority is set up, so far as that is concerned, that can act for the protection of the property owners above or below where dams are located. I suggest the Corps of Engineers, because I regard them as the ablest authorities in the country in connection with flood control.

Mr. MILLIKIN. Mr. President, I should like to invite attention to two preliminary facts: First, that we already have such legislation as to the navigable streams of the country; second, that this legislation is broad enough to cover the nonnavigable streams of the Nation.

When we come to consideration of the second fact, the proposed amendment crosses, in a very adverse way, the entire conception of the arid and semiarid States as to the control of the waters on nonnavigable streams. For example, Colorado, Idaho, New Mexico, Wyoming, and South Dakota have definite provisions in their constitutions, accepted by the Congress of the United States by their admission into the Union. I shall read the pertinent paragraph of the Colorado Constitution, for, roughly, it is the same in the others I have mentioned.

I quote from article XVI of the Colorado Constitution:

The water of every natural stream, not heretofore appropriated, within the State of Colorado, is hereby declared to be the property of the public, and the same is dedicated to the use of the people of the State, subject to appropriation as hereinafter provided.

I venture to say there is not one of the arid or semiarid States which does not have control statutes enabling the appropriate State officials to regulate and control the improper use of dams, or the improper construction of dams on nonnavigable streams.

For example, I should like to read into the RECORD some of the provisions which prevail in Colorado, and which we in Colorado believe afford the best protection that can be gotten, under the circumstances, for our citizens. I believe also that, somewhat similar statutes prevail in the rest of the 17 arid and semiarid States.

I read from the 1935 Colorado Statutes Annotated, volume 3, chapter 90, section 83 to section 92, inclusive:

CONTROL OF RESERVOIRS AND DAMS IN COLORADO FROM 1935 COLORADO STATUTES ANNOTATED, VOLUME 3, CHAPTER 90, SECTIONS 83-92, INCLUSIVE

SEC. 83. Reservoir and dam over certain size not to be built without filing plans with State engineer and obtaining his approval: No reservoir of a capacity of more than 1,000 acre-feet or having a dam or embankment in excess of 10 feet in vertical height, or having a surface area at high-water line in excess of 20 acres shall hereafter be constructed in this State except that the plans and specifications for the same shall have first been approved by the State engineer and filed in his office; and the State engineer shall act as consulting engineer during the construction thereof, and shall have authority to require the material used and the work of construction to be done to his satisfaction; and no work shall be deemed complete under the provisions of this law until the State engineer shall furnish to the owners of such structures a written statement of the work of construction and the full completion thereof, together with his acceptance of the same, which statement shall specify the dimensions of such dam and capacity of such reservoir or reservoirs (L. 1899, p. 314, sec. 1; R. S. 1908, sec. 3205; C. L., sec. 1685; L. 1925, p. 330, sec. 1).

SEC. 84. Cost of inspection and supervision paid by owner: The owner or owners of such reservoirs shall pay to said State engineer his actual expenses incurred in making personal inspection, and shall pay to any deputy

appointed by him to attend to such supervision not to exceed \$10 per day and actual expenses for each and every day necessarily employed for such purposes (L. 1899, p. 314, sec. 2; R. S. 1908, sec. 3206; C. L., sec. 1686; L. 1925, p. 331, sec. 1).

SEC. 85. Engineer to determine amount of water to be stored: The State engineer shall annually determine the amount of water which it is safe to impound in the several reservoirs within this State and it shall be unlawful for the owners of any reservoir to store in said reservoir water in excess of the amount so determined by the State engineer to be safe (L. 1899, p. 315, sec. 3; R. S. 1908, sec. 3207; C. L., sec. 1687).

SEC. 86. Water commissioner to withdraw excess water—Close inlets: In the event of the owners of any such reservoir impounding water therein to a depth greater than that determined by the State engineer to be safe, it shall be the duty of the water commissioner of the district where such reservoir shall be located to forthwith proceed to withdraw from said reservoir so much of the water so impounded therein as shall be in excess of the amount so determined by the State engineer to be safe, and shall close the inlets to the same so as to prevent said reservoir from being refilled to an amount beyond what said State engineer shall have designated as being safe. In the event of the owners of said reservoir, or any other person or persons, interfering with the water commissioner in the discharge of said duty, the said water commissioner shall call to his aid such persons as he deems necessary, and employ such force as the circumstances demand to enable him to comply with the requirements of this section (L. 1899, p. 315, sec. 4; R. S. 1908, sec. 3208; C. L., sec. 1688).

SEC. 87. Complaint that reservoir is unsafe—Duty of engineer: Upon complaint being made to the State engineer by three or more persons residing or having property in such a location that their homes or property would be in danger of destruction or damage in the event of a flood occurring on account of the breaking of the embankment of any reservoir within the State, that said reservoir is in an unsafe condition, or that it is being filled with water to such an extent as to render it unsafe, it shall be the duty of the State engineer to forthwith examine said reservoir and determine the amount of water it is safe to impound therein. If upon such examination, the State engineer shall find that said reservoir is unsafe, or is being filled with water to such an extent as to render it unsafe, it shall be his duty to immediately cause said water to be drawn off from said reservoir, to such an extent as will, in his judgment, render the same safe. If water is then flowing into said reservoir, he shall cause the same to be discontinued (L. 1899, p. 315, sec. 5; R. S. 1908, sec. 3209; C. L., sec. 1689).

SEC. 88. Engineer may use force—Violation of engineer's order: The State engineer is hereby authorized and empowered to use such force as is necessary to perform the duties required of him in the preceding section, and to have and exercise all of the powers conferred upon the water commissioner by section 86 of this chapter. If, after any of such reservoirs shall have been examined by said State engineer, the owners thereof, or any other person or persons, shall fill or attempt to fill them, or either of them, to a point in excess of the amount the State engineer shall have determined to be safe, then it shall be the duty of the water commissioner of the district wherein such reservoir is located to proceed as is directed by section 86 of this chapter (L. 1899, p. 316, sec. 6; R. S. 1908, sec. 3210; C. L., sec. 1690).

SEC. 89. Expense of examination—By whom paid: The persons calling upon the State engineer to perform the duty required of him by section 87 of this chapter shall pay him mileage in advance at the rate of 10 cents per mile for each mile actually and

necessarily traveled in going to and from said reservoir, and should the State engineer find upon examination that such reservoir is in an unsafe condition, the owners thereof shall be liable for all expenses incurred in such examination (L. 1899, p. 316, sec. 7; R. S. 1908, sec. 3211; C. L., sec. 1691).

SEC. 90. Appeal from decision of engineer: In the event of either party being dissatisfied with the decision of the State engineer, they may taken an appeal to the county or district court of the county wherein said reservoir is located, and said court shall hear and determine the matter summarily at the earliest practical time without written pleadings or the aid of a jury; subject to the right of either party to take an appeal or writ of error as in other civil cases; provided, that the judgment of the State engineer shall control until final determination of the cause (L. 1899, p. 316, sec. 8; R. S. 1908, sec. 3212; C. L., sec. 1692).

SEC. 91. Owners liable for damages in case of breakage of reservoir: None of the provisions of sections 83 to 92 of this chapter shall be construed as relieving the owners of any such reservoir from the payment of such damages as may be caused by the breaking of the embankments thereof, but in the event of any such reservoir overflowing, or the embankments, dams, or outlets breaking or washing out, the owners thereof shall be liable for all damage occasioned thereby (L. 1899, p. 316, sec. 9; R. S. 1908, sec. 3213; C. L., sec. 1693).

SEC. 92. Violation of sections—Penalty—Disposition of fines: Any reservoir company failing or refusing, after 10 days' notice in writing having been given, to obey the directions of the State engineer as to the construction or filling of any reservoir as herein provided, shall be subject to a fine of not less than \$50, for each offense, and each day's continuance after time of notice has expired shall be considered a separate offense; such fines to be recovered by civil action in the name of the people, by the district attorney, upon the complaint of the State engineer, and in the county where the injury complained of occurred. The proceeds of all fines, after payment of costs and charges of proceedings, shall be paid into the county treasury for the use of the general fund of the county (L. 1899, p. 317, sec. 10; R. S. 1908, sec. 3214; C. L., sec. 1694).

As I said before, Mr. President, I believe that substantially similar legislation prevails in the other arid and semi-arid States. Thus it will be seen that as to the unnavigable streams of the Nation, where under our State constitutions and under the laws of Congress and under the decisions of the Supreme Court of the United States we have control over the waters for local use, we have taken those precautions which are necessary to protect the people from flood damage.

Mr. BUSHFIELD and Mr. WHITE addressed the Chair.

The PRESIDING OFFICER. Does the Senator yield, and if so to whom?

Mr. MILLIKIN. I yield first to the distinguished junior Senator from South Dakota.

Mr. BUSHFIELD. I know the distinguished Senator has given this matter extensive study and thought, but I should like to ask him about the provisions of section 15, the first paragraph of which reads:

The Chief of Engineers of the United States Army is authorized and directed to make examinations of any privately owned or operated dam constructed across navigable waters of the United States, or across tributaries thereof.

Mr. President, it seems to me the only construction that can be given to that language is that it would give the Chief of Engineers complete domination over all the waters in any of the individual States, because many of the tributaries are not navigable.

Mr. MILLIKIN. In my judgment, Mr. President, that is the entire purport of the proposed amendment, for, as I said at the beginning of my remarks, we already have a statute which gives the Chief of Engineers full power over navigable streams.

Mr. WHITE. Mr. President, will the Senator now yield to me?

Mr. MILLIKIN. Yes.

Mr. WHITE. Is it not true that under the language of subparagraph (a) as it stands, the Federal authorities are given the right to enter upon private lands, upon a privately constructed dam, and make investigations even though there is not the slightest showing of any danger arising from the structure itself, even though there is not even a shadow of suspicion that there is any defect in the structure or any danger to anyone? This language is sufficiently broad, nevertheless, to permit the Federal authorities to go upon a navigable stream or on a nonnavigable stream within the Senator's State or any other State, and make investigation.

Mr. MILLIKIN. That, Mr. President, is entirely correct, and it is correct despite the fact, which I believe I have developed by reading from a typical State statute for the control of dams and reservoirs, that we have taken the utmost precaution to render our streams safe.

In that connection let me add that we are prone to overemphasize the importance of our reclamation projects in their relation to the whole subject of controlled waters in the arid and semiarid parts of the country. The reclamation projects now in being only involve about 10 percent of all the reclamation that is being done in the western country. I am speaking in terms of acreage. In other words, roughly 89 or 90 percent of all the lands being brought under water by irrigation is by private individuals and private associations which have their own dams, and I venture to say that over the country at large there are literally thousands of dams, small and large, privately owned, on nonnavigable streams, having no possibility of damage to anyone below them, which automatically would come under the provisions of this measure, would require inspection of them, require enormous additions to the investigative staff of the Chief of Engineers, and would pester and harass and subject to criminal prosecution any man who declines to make the alteration requested or who declines to follow the order promulgated.

One of the basic defects of the measure is that even if a man were placed in jail there would be no assurance, under the terms of the measure, that the danger objected to would be remedied. I think the proposed amendment is full of many defects, especially in the matter of notice and hearing, and the absence of those provisions which, even if the policy were good, would not bring about the relief

desired, to wit, the correction of a condition rather than putting a citizen in jail.

The Chief Engineer, I add, must act automatically under the terms of this provision. If the citizen refused to do what the Chief of Engineers says he shall do, he is automatically subjected to a criminal proceeding, he can be fined and sent to jail, and the merits of the matter—this is an astonishing situation—the merits of the matter cannot be tried under the language of the proposed amendment. If the individual fails to obey what might be a completely arbitrary order, he goes to jail if the terms of this amendment are complied with.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. MILLIKIN. I yield.

Mr. WHERRY. The Senator has answered what I had in mind to ask, as to what would happen in the event of a conviction without a hearing. There is no provision in the section for a court review or for an appeal.

Mr. MILLIKIN. Nothing at all. The individual is automatically convicted, if the jury and the judge carry out the mandate provided in the amendment, if he fails to respond to the command of the engineers, whether the command is just or unjust. And the thing to be remedied, to save people from the damage of flood, is not touched by this section. A man who feels indignant over an unjust charge might be willing to go to jail, and the matter of the objection to his dam or the control of his water, as urged by the engineers, would not be touched.

Let me repeat that to my mind, and I believe to the minds of the rest of us from the arid and semiarid States, the theory of the bill represents an unwarranted encroachment on the control of water of nonnavigable streams which has been so often confirmed in the States by Supreme Court decisions, by the statutes of Congress, and by the constitutions of the States which I have mentioned and which were accepted by Congress.

I wish to read a few excerpts from the case of *California Oregon Power Co. v. Beaver Portland Cement Co. et al.* (295 U. S. 142), decided by unanimous opinion of the Supreme Court of the United States in 1935.

The question there was whether riparian rights on waters in the State of Oregon should prevail over the doctrine of prior appropriation and beneficial user. The cement company was blasting the stream to open up a way for an irrigation diversion, and to get building block for some kind of structure which it intended to erect. The power company brought an injunction proceeding on the ground that this was an interference with its riparian rights.

It will be recalled that under the common law the riparian owner is entitled to the undiminished, unpolluted flow of the stream, whereas under the doctrine which prevails in the arid and semiarid West, with the exception of some mixed systems in a few of the States, the man who first appropriates the water and puts it to a beneficial use is entitled to that water, whether or not he be on the stream and regardless of how far away from the stream he may be. The Supreme Court

of the United States therefore felt called upon to discuss and consider the nature of our western water rights. I shall read a few excerpts from the opinion. I read first from pages 153 and 154 of the opinion:

The question with which we are here primarily concerned is whether—in the light of pertinent history, of the conditions which existed in the arid and semiarid land States, of the practice and attitude of the Federal Government, and of the congressional legislation prior to 1885—the homestead patent in question carried with it as part of the granted estate the common-law rights which attach to riparian proprietorship.

Later the Supreme Court said in its opinion, on pages 155 and 158:

The effect of these acts—

The Supreme Court was referring to an act of Congress of 1866 and an amendatory act of 1870.

The effects of these acts are not limited to rights acquired before 1866. They reach into the future as well, and approve and confirm the policy of appropriation for a beneficial use, as recognized by local rules and customs, and the legislation and judicial decisions of the arid-land States, as the test and measure of private rights in and to the nonnavigable waters on the public domain (citing State cases).

If the acts of 1866 and 1870 did not constitute an entire abandonment of the common-law rule of running waters insofar as the public lands and subsequent grantees thereof were concerned, they foreshadowed the more positive declarations of the Desert Land Act of 1877, which it is contended did bring about that result. That act allows the entry and reclamation of desert lands within the States of California, Oregon, and Nevada (to which Colorado was later added), and the then territories of Washington, Idaho, Montana, Utah, Wyoming, Arizona, New Mexico, and Dakota, with a proviso to the effect that the right to use of waters by the claimant shall depend upon bona fide prior appropriation, not to exceed the amount of waters actually appropriated and necessarily used for the purpose of irrigation and reclamation. Then follows the clause of the proviso with which we are here concerned:

"All surplus water over and above such actual appropriation and use, together with the water of all lakes, rivers, and other sources of water supply upon the public lands and not navigable, shall remain and be held free for the appropriation and use of the public for irrigation, mining, and manufacturing purposes subject to existing rights" (ch. 107, 19 Stat. 377).

For the light which it will reflect upon the meaning and scope of that provision and its bearing upon the present question, it is well to pause at this point to consider the then-existing situation with respect to land and water rights in the States and Territories named. These States and Territories comprised the western third of the United States—a vast empire in extent, but still sparsely settled. From a line east of the Rocky Mountains almost to the Pacific Ocean and from the Canadian border to the boundary of Mexico—an area greater than that of the Original Thirteen States—the lands capable of redemption, in the main, constituted a desert, impossible of agricultural use without artificial irrigation.

In the beginning, the task of reclaiming this area was left to the unaided efforts of the people who found their way by painful effort to its inhospitable solitudes. These western pioneers, emulating the spirit of so many others who had gone before them in similar ventures, faced the difficult problem of wresting a living and creating homes from the raw elements about them, and threw

down the gage of battle to the forces of Nature. With imperfect tools, they built dams, excavated canals, constructed ditches, plowed and cultivated the soil, and transformed dry and desolate lands into green fields and leafy orchards. In the success of that effort, the general Government itself was greatly concerned—not only because, as owner, it was charged through Congress with the duty of disposing of the lands, but because the settlement and development of the country in which the lands lay was highly desirable.

To these ends, prior to the summer of 1877, Congress had passed the mining laws, the homestead and preemption laws, and finally, the Desert Land Act. It had encouraged and assisted, by making large land grants to aid the building of the Pacific railroads and in many other ways, the redemption of this immense landed estate. That body thoroughly understood that an enforcement of the common-law rule, by greatly retarding if not forbidding the diversion of waters from their accustomed channels, would disastrously affect the policy of dividing the public domain into small holdings and effecting their distribution among innumerable settlers.

In respect of the area embraced by the desert-land States, with the exception of a comparatively narrow strip along the Pacific seaboard, it had become evident to Congress, as it had to the inhabitants, that the future growth and well-being of the entire region depended upon a complete adherence to the rule of appropriation for a beneficial use as the exclusive criterion of the right to the use of water. The streams and other sources of supply from which this water must come were separated from one another by wide stretches of parched and barren land which never could be made to produce agricultural crops except by the transmission of water for long distances and its entire consumption in the processes of irrigation. Necessarily, that involved the complete subordination of the common-law doctrine of riparian rights to that of appropriation. And this substitution of the rule of appropriation for that of the common law was to have momentous consequences. It became the determining factor in the long struggle to expunge from our vocabulary the legend "Great American Desert," which was spread in large letters across the face of the old maps of the far West.

In the light of the foregoing considerations, the Desert Land Act was passed, and in their light it must now be construed. By its terms, not only all surplus water over and above such as might be appropriated and used by the desert-land entrymen, but "the water of all lakes, rivers, and other sources of water supply upon the public lands and not navigable" were to remain "free for the appropriation and use of the public for irrigation, mining, and manufacturing purposes." If this language is to be given its natural meaning, and we see no reason why it should not, it effected a severance of all waters upon the public domain, not theretofore appropriated, from the land itself.

I quote from pages 162 and 165 of the opinion:

As the owner of the public domain, the Government possessed the power to dispose of land and water thereon together, or to dispose of them separately.

I interject to say that the Constitution, in article IV, gives the Congress the definite right to dispose of public property.

The fair construction of the provision now under review is that Congress intended to establish the rule that for the future the land should be patented separately; and that all nonnavigable waters thereon should be reserved for the use of the public under the laws of the States and Territories named.

The words that the water of all sources of water supply upon the public lands and not navigable "shall remain and be held free for the appropriation and use of the public" are not susceptible of any other construction. The only exception made is that in favor of existing rights; and the only rule spoken of is that of appropriation. It is hard to see how a more definite intention to sever the land and water could be evinced. The terms of the statute, thus construed, must be read into every patent thereafter issued, with the same force as though expressly incorporated therein, with the result that the grantee will take the legal title to the land conveyed, and such title, and only such title, to the flowing waters thereon as shall be fixed or acknowledged by the customs, laws, and judicial decisions of the State of their location. If it be conceded that in the absence of Federal legislation the State would be powerless to affect the riparian rights of the United States or its grantees, still, the authority of Congress to vest such power in the State, and that it has done so by the legislation to which we have referred, cannot be doubted.

The proceedings in connection with the adoption of the Desert Land Act bear out this view. The bill which subsequently became the act was called up for consideration in the Senate on February 27, 1877. The report of the committee, among other things, said that the larger portions of the lands bordering on the streams had been appropriated; that the provisions of the bill would enable settlers by combined efforts to construct more extensive works and reclaim lands now worthless; that a system had already grown up in the States and Territories included in the bill which recognized priority of appropriation as the rule governing the right to the use of water, limiting the amount to that actually used, and thus avoiding waste. Senator Sargent, of California, who was in charge of the bill, in the course of the debate said that one great difficulty had been that "cattlemen go under a fictitious compliance with the terms of the preemption law and take their land along the margin of the streams, and then there is no possibility of getting water to the back country at all. I want to provide so that persons in the back country may go above such a person, for instance, on Humboldt River, and take the water out and conduct it on the back lands." (CONGRESSIONAL RECORD, vol. V, pt. 3, 44th Cong., 2d sess., pp. 1965-1966.) There is nothing in the language of the act or in the circumstances leading up to or accompanying its adoption that indicates an intention on the part of Congress to confine the appropriation of water in contravention of the common-law doctrine to desert-land entrymen.

Second. Nothing we have said is meant to suggest that the act, as we construe it, has the effect of curtailing the power of the States affected to legislate in respect of waters and water rights as they deem wise in the public interest. What we hold is that following the act of 1877, if not before, all nonnavigable waters then a part of the public domain became publici juris, subject to the plenary control of the designated States including those since created out of the territories named, with the right in each to determine for itself to what extent the rule of appropriation or the common-law rule in respect of riparian rights should obtain. For since "Congress cannot enforce either rule upon any State" (*Kansas v. Colorado* (206 U. S. 46, 94)), the full power of choice must remain with the State. The Desert Land Act does not bind or purport to bind the States to any policy. It simply recognizes and gives sanction, insofar as the United States and its future grantees are concerned, to the State and local doctrine of appropriation, and seeks to remove what otherwise might be an impediment to its full and successful operation. (See *Wyoming v. Colorado* (259 U. S. 419, 485).)

Briefly, Mr. President, acting on the assurances of our own State constitutions, accepted by the Congress of the United States, and acting on the assurances of opinions of this kind, we have constructed our own dams, and have set up our own rules for the regulation of water on nonnavigable streams, and the proposed amendment runs directly contrary thereto. Therefore I hope it will not be adopted.

Mr. O'MAHONEY. Mr. President, I wish to add a word to what the distinguished Senator from Colorado has said about the importance to the people of the West of rejecting this amendment. I understand perfectly the reasons which have prompted the Senator from Missouri [Mr. CLARK] to suggest the amendment. Of course steps should be taken to prevent the improper use of constructions upon any river system that would tend to create danger of floods and make more difficult the control of floods; but what is not generally understood by those who have been dealing with this problem is that an utterly different condition exists in the far West from that which exists in all other sections of the country.

I have before me a map showing the average annual precipitation in the United States, compiled from weather records. It will be observed that more than one-half of the United States on this map is colored in green. That green area is an area in which the annual precipitation is in excess of 20 inches, and except for a very small portion of that area the annual precipitation is between 30 and 80 inches of rainfall annually.

The other area, the West, is what was known and described by Daniel Webster and others as the Great American Desert. Webster was of the opinion that that area could not be developed. He was of the opinion that it was utterly useless for the United States to consider, even in a passing way, the acquisition or development of that land; and yet we have lived to see the time when it has been developed into thriving and successful States, in which people have established prosperous businesses and homes.

All that growth in the West has been dependent upon the utilization of water by means of the application of the doctrine of appropriation. When the pioneers went west, when they went to the Pacific coast to bring about the development of the gold and other minerals there, they began the use of water in the streams by right of appropriation. In 1866, and later in 1877, and later by numerous other acts of Congress, the legislative body of this country has recognized the right of people to use water, as distinct and separate from the land. In other words, there has grown up the use of water as a separate entity from the use of the land itself. The doctrine of use of water—not ownership, but use—has become the basis of all western growth. No one in the West can assert ownership to water and can hold it against development. If there is water which has been appropriated by a user, but if the user is not using it, and if another settler feels he can make a beneficial use of it, he can go to the courts and can obtain an ad-

judication of his rights. That is the reason why the courts—the Supreme Court and all others—have stated that the use of water in the West is a public matter.

Mr. CLARK of Missouri rose.

Mr. O'MAHONEY. I yield to the Senator from Missouri.

Mr. CLARK of Missouri. I should like to say to the Senator that, regardless of the various irrigation projects in the arid and semiarid States, there is nothing in the amendment which is intended to interfere with the use of water by appropriation or to interfere with any other rights which may exist in the arid or semiarid States. The whole purpose of the amendment is to establish a police authority which will prevent the operator of a dam, such as the dams I have described in Oklahoma and Missouri, from operating his dam in such a way as to be a menace to both the property and life below it.

Mr. O'MAHONEY. I fully realize that is the purpose.

Mr. CLARK of Missouri. Some of the dams have been operated in a manner which is as dangerous as having a man go out into a street and fire a revolver up and down the street. Many of the people living in that area have been constantly in the shadow of the fear that the operator of the dam will operate it in such a way as to endanger their lives or property, or both.

I may say that the amendment is not now in the form in which it was when I introduced it. Also let me say that I had no purpose of interfering with the Western rights in connection with the use of water.

Mr. O'MAHONEY. I was quite sure that was the Senator's attitude. There was no doubt in my mind that the Senator had no intention whatsoever of interfering with the traditional land policy.

The point I wished to make, however, was that which has already been made by the Senator from Colorado, namely, that the language of the amendment is so broad that it would utterly tear down and destroy the State system of adjudication of water rights which has been established over a long period of years, because it would give the Secretary of War the right to control dams on the tributaries. Even though an individual, a lone farmer, in some distant tributary creek in the very heights of the mountains had built a dam, if some person under the jurisdiction of the Secretary of War deemed it to be an improper dam, it would be subject to the criminal provision which is written into the bill.

Mr. CLARK of Missouri. Mr. President, will the Senator yield further?

Mr. O'MAHONEY. Certainly.

Mr. CLARK of Missouri. Would it meet the objections of the Senator if, in lines 2 and 3, on page 46, the words "or across tributaries thereof" were stricken?

Mr. O'MAHONEY. Of course, that would be an improvement.

Mr. CLARK of Missouri. The amendment is a committee amendment, and of course I have no authority to agree to eliminate those words.

Mr. O'MAHONEY. I understand.

Mr. President, it is my belief that the interests of all parties will best be met if the amendment is rejected, so that opportunity will be given for further study—and there will be further study—as to the proper control of dams which create the menace which the Senator from Missouri so properly hopes to overcome.

Mr. President, I hope the amendment will be rejected.

Mr. CLARK of Missouri. Mr. President, let me say that the incidents to which I have referred occurred 2 years ago. The only evidence which has come to my attention on the part of anyone with respect to giving consideration to those undoubted evils or bringing about a correction of them is contained in the pending amendment. Two years have elapsed since that time, with the possibility of the occurrence of many more such incidents.

Mr. OVERTON. Mr. President, what the committee had in mind in accepting the amendment offered by the able senior Senator from Missouri [Mr. CLARK] was the control of dangerous dams so that any menace to life and property would be removed. That is the proper interpretation to be placed upon the amendment. We do not undertake to specify what the dams are, but we say:

(b) Whenever it shall appear, after reasonable notice and opportunity for hearing to the person or corporation owning or controlling any such dam, that such dam is being operated or maintained in such a manner as to jeopardize the safety of persons or property either above or below such dam.

So it is not to be supposed, as has been suggested here in argument, that the Chief of Engineers will undertake to control all private dams throughout the United States. What the Chief of Engineers will do under the terms of the amendment will be simply to remove the jeopardy and danger to life and property, when they exist, caused by private dams. That is the extent of the amendment.

It may be that the amendment in its penal provisions is rather drastic, and I am willing to concede that those provisions are rather drastic; but I think probably they could be so modified in conference as to remove the objectionable features.

The discussion has gone rather far afield as to the rights of States and of individuals in the navigable waters of the United States. Mr. President, I do not think there is any doubt whatsoever that the Congress has supreme authority over all navigable waters of the United States, and that what are navigable waters are not necessarily those waters which are actually being subjected to navigation. Navigable waters are those which may be subjected to navigation; navigable waters are those which influence other waters which are subject to navigation. That would probably take in all streams and tributaries which flow into any navigable stream.

In the course of the hearings I undertook to express the jurisprudence of the United States Supreme Court on this question, and I should like to read from page 41 of the printed hearings. The matter was under discussion and I made

the following statement which I think is a correct statement of all the decisions of the United States Supreme Court taken as a whole. I said:

As I understand it, the authority of the Federal Government stems from the interstate commerce clause and, of course, the Constitution gives Congress control over navigable waters as an incident to its power to regulate interstate commerce. Decisions of the United States Supreme Court have, from time to time, construed the power of the Congress over waterways. It is my understanding that any waterway that can reasonably be improved so as to make it navigable in interstate commerce is a navigable waterway of the United States; that the waterway is navigable even though it has ceased to be used in interstate commerce; that the authority of Congress over navigable waters is not limited to control solely for the purpose of navigation but embraces all the needs of commerce; that Congress may control non-navigable parts of a river in order to promote commerce on parts that are navigable; that the power of Congress to protect any navigable stream from flood damage extends to the control of tributaries to such streams; that Congress alone is to decide whether any given project, either considered by itself or as part of a comprehensive plan, is justified and should be authorized as having a beneficial effect on interstate commerce; and that the courts cannot question the reasons or the objectives that actuated Congress in voting for a project. It is my opinion that the power of Congress to regulate stream flow of waters that are either navigable in fact or ultimately influence navigable streams through the flow of water into the navigable streams is inseparably connected with and is supported by the interstate commerce clause of the Constitution.

Mr. President, I believe that what I have read is a condensation of the jurisprudence of the United States Supreme Court as I understand them to be. Therefore, in reference to the rights of Colorado or any other State, or of riparian owners in Colorado, Montana, Wyoming, or any other State with respect to navigable waters, as the word "navigable" has been interpreted by the United States Supreme Court, the argument has no application whatsoever to this amendment.

The purpose of the amendment is to protect human life and property. That is all. As the Senator from Missouri in two instances has pointed out, a dam may be operated and maintained so improperly as to constitute a jeopardy to human life and property, and may result in loss and material damage to property. The purpose of the amendment is to vest authority in someone to prevent improperly controlled dams from becoming menaces to the communities in which they are located.

Mr. CLARK of Missouri. Mr. President, this is a committee amendment, and, therefore, I have no authority to modify it. But, in order to meet objections which have been urged, I ask unanimous consent to modify the committee amendment on page 46, in line 2, after the words "United States", by striking out "or across tributaries thereof."

Mr. OVERTON. That would make the language then applicable only to navigable waters.

Mr. CLARK of Missouri. That is correct.

Mr. OVERTON. Or the main stem. Mr. CLARK of Missouri. That is correct.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield.

Mr. AIKEN. I inquire, What is the definition of "navigable waters"? We have been told many times in the past that any stream capable of flowing pulpwood at any time during the year would come within the definition of navigable waters. That would mean practically any stream, whatever its size might be.

Mr. CLARK of Missouri. The term "navigable" has been defined many times.

Mr. AIKEN. I know it has. I am merely asking for information. Is not a navigable stream one which will float pulpwood at any time?

Mr. OVERTON. Mr. President, as I said a while ago, any stream may be considered to be actually navigable if it may be improved for navigable purposes or flows into streams or influences streams which are navigable.

Mr. AIKEN. So the definition of the term "navigable" would reach up into the creeks.

Mr. OVERTON. Yes.

Mr. AIKEN. The amendment offered by the Senator from Missouri [Mr. CLARK] would not protect a person operating a little sawmill in the hills on a tributary of a navigable stream. In New England there are streams which furnish power for about 6 weeks during the year. I have one in mind which is large enough during the spring run-off to permit the operation of a plant to manufacture sufficient lumber to enable the operation of another small plant during the remainder of the year. There are other small streams which furnish a little power off and on for local industries. They do not permit the employment of any help except the owner of the dam.

Mr. CLARK of Missouri. Mr. President, it seems to me to be far-fetched to suggest that the Corps of Engineers will go around to the operator of such a small sawmill as has been referred to by the Senator from Vermont and hale the operator into court, or that such an example should be taken as an excuse for not preventing tremendous disasters on the main stems of large rivers. It is not my purpose to bring about such results, and I do not believe the proposed amendment is subject to any such construction as the Senator points out. It is not my purpose to interfere with little sawmills, and it is inconceivable to me that the Corps of Engineers would do such a thing, and yet, if a mill were being operated in such a way as to create a menace to the people along the stream below the mill, the mill should be regulated.

Mr. AIKEN. Mr. President, I believe the Senator is correct. I recall that several years ago a prominent official said that the Government authorities had jurisdiction over the land through which small streams flowed. I think that is covering too much territory. However, I was merely seeking information.

Mr. CLARK of Missouri. I will say very frankly to the Senator from Vermont that I am not familiar with local

conditions as to the control of small streams.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Missouri [Mr. CLARK] that the committee amendment on page 46, line 2, after the words "United States", be modified by striking out "or across tributaries thereof"? The Chair hears none, and the committee amendment is modified accordingly.

Mr. CLARK of Missouri. Mr. President, on page 46, line 22, after the word "section", I offer an amendment to insert the following in the committee amendment: "and found to be operating or maintaining a dam in such a manner as to jeopardize the safety of persons or property either above or below such dam."

That language would provide for court review, and I believe it would meet the objection which was heretofore made to summary process.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Missouri [Mr. CLARK] to the committee amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question recurs on agreeing to the modified committee amendment as amended.

The modified amendment as amended was rejected.

Mr. OVERTON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. OVERTON. That disposes of all the committee amendments, does it not, except the committee amendments which are affected by the O'Mahoney amendment?

Mr. O'MAHONEY. Mr. President, the so-called O'Mahoney-Millikin amendment embraces, as the Senator from Louisiana knows, several topics including the Connecticut River Basin. Some objection has been made on behalf of the Senators from Vermont to the work which has been authorized in the State of Vermont, and an effort has been made to reach an understanding between the Senators from Vermont, the representative of the Government, the Senator from Louisiana, and the Army engineers in respect to precisely what can and should be done.

The senior Senator from Vermont [Mr. AUSTIN] was unexpectedly called out of the city on Saturday night by an important law matter to which he is now attending in the State of Vermont. I telephoned to him and he advised me that it is his hope to be here tomorrow morning.

Language has been suggested by the representatives of the Governor of Vermont and the junior Senator from Vermont which seems to me, to the Senator from Colorado [Mr. MILLIKIN], and to others who have been in conference to be quite satisfactory, and I believe the language also is substantially agreeable to the Senator from Louisiana. But it will be necessary for us, I think, to present this matter to the senior Senator

from Vermont. Therefore I feel that the understanding which was reached this morning that this matter should go over should be adhered to, so that when the Senate reassembles tomorrow we ought to be in a position to lay the matter before the Senate and before the Senator from Louisiana.

Mr. OVERTON. Mr. President, it is my understanding, if the Senator will yield to me, that that subsection (b), the provision in reference to the Connecticut River Basin, will be deleted entirely from the O'Mahoney amendment and will come up as a separate and independent amendment either in connection with an amendment proposed by the committee or in some other way. In any event, either Senator or both Senators from Vermont may offer such amendment as they desire, and it will be disposed of as a separate amendment and not connected with the O'Mahoney amendment.

Furthermore, the Senators from Connecticut and the Senators from Massachusetts, who are vitally interested in the Connecticut River Basin, may propose amendments of their own or oppose the amendment suggested by the Senators from Vermont.

What I want to do is to agree with the Senator from Wyoming and the Senator from Colorado and other co-sponsors of the O'Mahoney-Millikin amendment on provisions in relation to the Missouri River Basin. The Connecticut River Basin cannot, in my opinion, be handled under subsection (b) and there will never be an agreement so long as subsection (b) is in the O'Mahoney amendment. However, the whole matter of the Connecticut River Basin can be very easily handled independently of the O'Mahoney amendment, and should be so handled, and it can be handled after the elimination of subsection (b) from the O'Mahoney amendment.

Mr. O'MAHONEY. Mr. President, I will say for the information of the Senator and of the Senate that our purpose is to bring about the elimination of subsection (b) from this amendment. Whether it will be desirable to do that by way of treating the Connecticut River Valley altogether separately or as a part of section (a) is a matter which I feel we are under obligation to discuss with the senior Senator from Vermont [Mr. AUSTIN] since we have not had that opportunity.

Mr. WHITE. Mr. President, I ask the Senator from Wyoming if it is the purpose or is it the proposal now to lay this bill, with the thought that all that remains of a controversial nature is the O'Mahoney amendment and other amendments relating to the same general subject matter or proceeding along the same principle as the O'Mahoney amendment.

Mr. O'MAHONEY. So far as I can see I think that these are probably the last controversial items unless it be the amendment offered by the Senator from Montana [Mr. MURRAY] with respect to the Missouri Valley Authority or the amendment of the Senator from Vermont [Mr. AIKEN] with respect to the St. Lawrence seaway. I have not been

consulted about the latter amendment, and I do not know what the purpose of the sponsor of the St. Lawrence seaway may be but I think we are coming pretty close to an understanding upon this measure.

Mr. AIKEN. Mr. President, I would not agree to preclude any amendment that might be offered to this bill by any one of the 96 Senators from the floor. There might be other Senators who have amendments to offer to the bill. I do not think that we should accept the idea at this time that we are through with amendments.

As to the St. Lawrence amendment itself, I had intended to wait until all other amendments were disposed of. I do not know really whether it will be offered or not.

Mr. WHITE. The Senator from Vermont wants to know what the condition of the weather is when the other amendments are disposed of?

Mr. AIKEN. The Senator from Maine is exactly correct about that. I want to know what the bill looks like when the time comes to offer the amendment.

Mr. WHITE. If I may have the attention of the distinguished Senator from Louisiana in charge of the bill, as I understand, then, it is the opinion of the distinguished Senator that we can discontinue consideration of the bill for the remainder of the afternoon. Of course, if the bill should be laid aside to take up any other bill it will be with the understanding that it will be laid aside only temporarily, which would mean that the bill could be taken up for consideration the very first thing tomorrow. Is not that so, I will ask the Senator from Louisiana?

Mr. OVERTON. That is correct.

Mr. WHITE. I take it, then, with the further understanding that any Senator may offer other amendments on his own responsibility.

Mr. OVERTON. Certainly.

The Senator from Colorado [Mr. MILLIKIN] has an amendment to which, I understand, there is no objection. It is a modification of a project which is authorized by the bill and that will entail very little if any additional cost. Is that correct?

Mr. MILLIKIN. Mr. President, on Friday I offered that amendment. It is the amendment on page 16 at the end of line 20, and as it is very brief I will read it. It says:

Provided, That the project—

Which is a project on the Purgatoire River designed to make the town of Trinidad safe from floods—

Provided, That the project may be modified to include storage in reservoirs upstream from Trinidad if the Secretary of War and the Chief of Engineers find such action advisable for flood control and in order to make more water readily available for agricultural and industrial uses without impairment of flood control for Trinidad.

The amendment was offered on behalf of the senior Senator from Colorado [Mr. JOHNSON] and myself. It is my understanding that it may be possible to add perhaps a reservoir upstream from Trinidad which will render the project a

better flood-control project and at the same time might admit of some irrigation. I do not understand that the cost will be substantially greater, but if the evolution of the plan should take us into unexpectedly high costs then the matter may be taken up before the Appropriations Committee.

I appreciate the courtesy of the distinguished Senator from Louisiana in not offering any objection to the amendment.

Mr. OVERTON. Modifications are to be left to the discretion of the engineers?

Mr. MILLIKIN. Yes.

Mr. OVERTON. I have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Colorado [Mr. MILLIKIN].

The amendment was agreed to.

Mr. MILLIKIN. I present another amendment which I ask to have stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 16, it is proposed to strike out the period at the end of line 1, insert a colon, and add the following: "Provided, That the project may be modified to include storage in reservoirs upstream from Trinidad if the Secretary of War and the Chief of Engineers find such action advisable for flood control and in order to make more water readily available for agricultural and industrial uses without impairment of flood control for Trinidad."

The amendment was agreed to.

Mr. GURNEY. Mr. President, I have conferred with the Senator from Louisiana about an amendment which I am sure is not controversial. It is of an emergency nature, and I believe this is an opportune time to take it up. I send the amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 40, line 16, it is proposed to add the following:

The sum of \$500,000 additional is authorized to be appropriated as an emergency fund to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers for the construction of emergency protection works to prevent flood damage to highways, bridge approaches, and public works: *Provided*, That pending the appropriation of said sum, the Secretary of War may allot from existing flood-control appropriations such sums as may be necessary for the immediate prosecution of such bank protection works; such appropriations to be reimbursed from the appropriation herein authorized when made.

Mr. GURNEY. Mr. President, in conversations with the Army engineers, it has appeared that there are many projects of an emergency nature which, even in wartime, need some protection work. Because these matters come up when rivers are in flood, they must be handled quickly. If they can be handled quickly, and it is not necessary to wait for an appropriation by Congress, the public works can be protected with an expenditure of a small amount of money.

An emergency fund is in the hands of the Chief of Army Engineers to handle river damage where it affects navigation, but there are no emergency funds for

flood-control emergencies. So I asked the Senator from Louisiana if this amendment would meet with his approval, and after he studied it he told me that he had no objection to accepting the amendment. I hope the Senate will accept it at this time.

Mr. OVERTON. Mr. President, the Senator's statement is correct. I have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from South Dakota [Mr. GURNEY].

The amendment was agreed to.

EXTENSION OF STATUTE OF LIMITATIONS IN PEARL HARBOR CASES

Mr. FERGUSON. Mr. President, I ask that the Senate now proceed to consider Senate Joint Resolution 156, Calendar No. 1171.

Mr. HILL. Mr. President, does the Senator ask that the pending bill be temporarily laid aside and that the joint resolution be taken up?

Mr. FERGUSON. That is correct. I understood that the majority leader had no objection to this course. I talked with him last week, at the time I introduced the joint resolution. It is a measure to extend the statute of limitations in relation to the court martials having to do with the Pearl Harbor catastrophe.

Mr. HATCH. Mr. President, the Senator from Michigan has said that he talked with the majority leader. I merely wish to call his attention to the fact that we discussed the matter on the floor of the Senate, and the Senator from Kentucky [Mr. BARKLEY] stated he wanted this joint resolution passed, and asked that it be passed at the earliest possible time.

Mr. FERGUSON. The Senator is correct. The RECORD shows that the Senator from Kentucky stated on the floor that he did want the joint resolution considered and acted upon.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution (S. J. Res. 156) to extend the statute of limitation in certain cases, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved, etc., That effective as of December 7, 1943, all statutes, resolutions, laws, articles, and regulations, affecting the possible prosecution of any person or persons, military or civil, connected with the Pearl Harbor catastrophe of December 7, 1941, or involved in any other possible or apparent dereliction of duty, or crime or offense against the United States, that operate to prevent the court martial, prosecution, trial, or punishment of any person or persons in military or civil capacity, involved in any matter in connection with the Pearl Harbor catastrophe of December 7, 1941, or involved in any other possible or apparent dereliction of duty, or crime or offense against the United States, are hereby extended for a further period of 6 months, in addition to the extensions provided for in Public Law 208, Seventy-eighth Congress, and Public Law 339, Seventy-eighth Congress.

ADDITIONAL JUDGE FOR THE THIRD CIRCUIT

Mr. HILL. Mr. President, it is my intention at this time to ask for a quorum

in order that consent may be obtained to proceed to the consideration of bills on the calendar to which there is no objection, starting where we left off at the last call.

Mr. HATCH. Mr. President, there are two bills which I do not think would come within the call of the calendar the Senator has mentioned, which I have been discussing for several days with the majority and minority leaders, and with Senators from various States, and all are in accord that the bills should be passed, and should be passed quickly. They are bills providing for an additional judge for the third circuit, and removing the restriction which applies to the filling of a vacancy in the eastern district of Pennsylvania. There is another bill which provides for the creation of an additional judgeship in New Jersey. The Judicial Conference, and the leaders on both sides of the Chamber, are agreed as to the desirability of action on those bills, and I should like to have them considered.

Mr. HILL. If the distinguished acting chairman of the Committee on the Judiciary tells me he has consulted with the Senator from Kentucky [Mr. BARKLEY], certainly I have no objection.

Mr. HATCH. Mr. President, I ask for the present consideration of House bill 3750, Calendar 1058.

The PRESIDING OFFICER (Mr. McFARLAND in the chair). The bill will be stated by title.

The CHIEF CLERK. A bill (H. R. 3750) to provide for the appointment of an additional circuit judge for the third circuit, and to permit the filling of the first vacancy occurring in the office of district judge for the eastern district of Pennsylvania.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

REMOVAL OF PROHIBITION RELATING TO DISTRICT JUDGESHIP IN NEW JERSEY

Mr. HATCH. Now, Mr. President, I ask unanimous consent for the present consideration of Calendar No. 1169, House bill 3732.

The PRESIDING OFFICER. The bill will be reported by title.

The CHIEF CLERK. A bill (H. R. 3732) to repeal the prohibition against the filling of a vacancy in the office of district judge in the district of New Jersey.

Mr. WHITE. Reserving the right to object for the moment, Mr. President, the Senator from New Mexico has been good enough to speak to me about some bills on the calendar which I thought he was to ask to have considered. He said he had conferred with the Senators from the respective States with respect to the bills, but this measure is something new. May I ask whether the Senator has discussed the bill with the Senators from New Jersey?

Mr. HATCH. Probably the Senator did not remember, but I did mention this specific bill to him. Yes; I have discussed it with both Senators from New Jersey, and they favor the passage of

the bill. So far as the amendment is concerned, it is a technical amendment. Unfortunately, in drafting the bill, the wrong section of the statute was referred to, and the amendment corrects that error.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and to insert the following:

That the proviso in subsection (a) of section 2 of the act approved May 24, 1940 (54 Stat. 219; U. S. C. 1940, title 28, sec. 1, note), entitled "An act to provide for the appointment of additional district and circuit judges", be, and it is hereby, amended to read as follows: "(a) *Provided*, That the first vacancy occurring in the office of district judge in each of said districts, except the district of New Jersey, shall not be filled."

Sec. 2. That subsection (d) of the act approved April 28, 1942 (56 Stat. 247, U. S. C. 1940, Supp., title 28, sec. 1, note), is hereby repealed.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. HILL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Alken	Gerry	O'Mahoney
Bailey	Gillette	Overton
Ball	Green	Radcliffe
Bankhead	Guffey	Revercomb
Bilbo	Gurney	Reynolds
Brooks	Hall	Robertson
Buck	Hatch	Russell
Burton	Hayden	Shipstead
Bushfield	Hill	Taft
Butler	Jenner	Thomas, Idaho
Byrd	Johnson, Calif.	Thomas, Okla.
Capper	Johnson, Colo.	Tunnell
Caraway	La Follette	Tydings
Chandler	Langer	Vandenberg
Clark, Idaho	McClellan	Wallgren
Clark, Mo.	McFarland	Walsh, Mass.
Connally	McKellar	Walsh, N. J.
Cordon	Maloney	Weeks
Davis	Maybank	Wheeler
Downey	Millikin	Wherry
Ellender	Murray	White
Ferguson	Nye	Willis
George	O'Daniel	

Mr. WHITE. The junior Senator from Wisconsin [Mr. WILEY] was present earlier in the day, but he has been called from the Chamber on official business and is therefore necessarily absent.

The PRESIDING OFFICER. Sixty-eight Senators having answered to their names, a quorum is present.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Miller, one of his secretaries.

THE CALENDAR

Mr. HILL. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside, and that the Senate proceed to the consideration of bills on the calendar to which there is

no objection, beginning where the last call left off, which would be Calendar No. 1158.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the bills on the calendar, beginning with Calendar 1158.

BILLS PASSED OVER

The bill (S. 637) to authorize the appropriation of funds to assist the States and Territories in more adequately financing their systems of public education, during emergency, and in reducing the inequalities of educational opportunities through public elementary and secondary schools, was announced as first in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The bill will be passed over.

AMENDMENT OF VETERANS' REGULATIONS

The bill (H. R. 5041) to amend the Veterans' Regulations, was announced as next in order.

Mr. VANDENBERG. Mr. President, may we have an explanation of that bill? If not, let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. VANDENBERG subsequently said: May I ask the Senator from Ohio [Mr. BURTON] if what he has just said in connection with Calendar 1163, House bill 4999, just passed, applies to Calendar 1162, House bill 5041, which I asked to have go over in the absence of an explanation?

Mr. BURTON. Mr. President, Calendar 1164, House bill 86, relates to widows of Civil War veterans who were married to the veterans subsequent to June 26, 1905, which was before World War No. 1. The adjustment provided for in this bill is not the same type of adjustment as is provided by House bill 5041, Calendar 1162. The purpose of House bill 86 is to bring the treatment in line with that given to other widows, but the bill does not relate to veterans of either World War No. 1 or World War No. 2. All three Calendar Nos. 1162, 1163, and 1164 relate to veterans of wars before World War No. 1, and the purpose of Calendar No. 1162 is quite similar to that of Calendar 1163.

Mr. VANDENBERG. Mr. President, I withdraw my objection to the consideration of Calendar 1162, House bill 5041.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

DISABILITY PENSIONS FOR CERTAIN VETERANS

The bill (H. R. 4999) to increase the service-connected disability rates of pensions for certain Regular Establishment veterans and veterans of wars prior to World War No. 1 was announced as next in order.

Mr. TAFT. Mr. President, I should like to have an explanation of that bill.

Mr. BURTON. Mr. President, as a member of the Committee on Pensions, I believe that I can point out the main pur-

pose. It is to correct a situation relating to the adjustment of disability rates of pensions for certain Regular Establishment veterans and veterans of wars prior to World War No. 1. It deals largely with veterans who have not been injured as a result of combat service, or do not have wartime service-connected disabilities. We recently increased the pensions based on wartime service-connected disabilities, but failed to change the compensation to the so-called peacetime veterans, which has been on the basis of 75 percent of the wartime service-connected disabilities. This measure reestablishes the same ratio for the two classes of pensions that has existed before. It brings the various rates into line, on the same basis as that previously established.

Mr. VANDENBERG. On what theory was this bill referred to the Committee on Pensions, when pension legislation is ordinarily handled almost exclusively by the Committee on Finance?

Mr. BURTON. That goes back of my own personal experience; but I understand that the Committee on Pensions has handled pension matters relating to veterans of wars before World War No. 1 and World War No. 2.

Mr. VANDENBERG. Then, as I understand, the bill relates entirely to the time preceding World War No. 1.

Mr. BURTON. That is correct.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (H. R. 4999) to increase the service-connected disability rates of pension for certain Regular Establishment veterans and veterans of wars prior to World War No. 1, was considered, ordered to a third reading, read the third time, and passed.

PENSIONS TO CERTAIN UNREMARKED DEPENDENT WIDOWS OF CIVIL WAR VETERANS

The Senate proceeded to consider the bill (H. R. 86) to grant pensions to certain unmarried dependent widows of Civil War veterans who were married to the veteran subsequent to June 26, 1905, which had been reported from the Committee on Pensions with amendments.

The first amendment was, in section 2, on page 2, line 25, after "Administration", to insert "after the date of enactment of this"; on page 3, line 2, after the word "Affairs", to strike out the comma and "but not prior to the date of enactment of this act"; and in line 5, after the word "once", to insert "since the death of the veteran."

The amendment was agreed to.

The next amendment was, on page 3, after line 10, to strike out:

Sec. 3. No agent, attorney, or other person shall, directly or indirectly, solicit, contract for, charge, or receive any fee or compensation for preparing or assisting in the preparation of the necessary papers in the application to the Veterans' Administration for benefits under this act. Any person who shall, directly or indirectly, solicit, contract for, charge, or receive any fee or compensation for such preparation or assistance shall be guilty of a misdemeanor, and each and every offense shall be punishable by a fine of not more than \$500 or imprisonment at

hard labor for not more than 2 years, or by both such fine and imprisonment.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BERTHA L. TATRAULT

The Senate proceeded to consider the bill (S. 1900) for the relief of Bertha L. Tatrault, which had been reported from the Committee on Claims with an amendment, to strike out all after the enacting clause, and insert:

That jurisdiction is hereby conferred upon the United States District Court for the District of Massachusetts to hear, determine, and render judgment upon the claim of the estate of Bertha L. Tatrault, late of Westboro, Mass., against the United States for the death of the said Bertha L. Tatrault, as the result of personal injuries sustained by her when the horse-drawn wagon in which she was riding as a passenger was struck by a United States Coast Guard vehicle on route No. 9, east of Park Street, in Westboro, Mass., on September 7, 1943.

SEC. 2. In the determination of such claim, the United States shall be held liable for damages, and for any acts committed by any of its officers or employees, to the same extent as if the United States were a private person.

SEC. 3. Suit upon such claim may be instituted at any time within 1 year after the enactment of this act, notwithstanding the lapse of time or any statute of limitations. Proceedings for the determination of such claim, and appeals from and payment of any judgment thereon, shall be in the same manner as in the case of claims over which such court has jurisdiction under the provisions of paragraph "Twentieth" of section 24 of the Judicial Code, as amended.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill conferring jurisdiction upon the United States District Court for the District of Massachusetts to hear, determine, and render judgment upon the claim of the estate of Bertha L. Tatrault."

MARJORIE E. DRAKE AND OTHERS

The Senate proceeded to consider the bill (S. 1740) for the relief of Marjorie E. Drake, Edith Mae Drake, Minnie L. Bickford, and Irene M. Paolini which had been reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and insert:

That jurisdiction is hereby conferred upon the United States District Court for the District of Massachusetts to hear, determine, and render judgment upon the claims of Marjorie E. Drake, Edith Mae Drake, Minnie L. Bickford, and Irene M. Paolini, all of Westboro, Mass., against the United States for compensation for personal injuries sustained by them when the horse-drawn wagon in which they were riding as passengers was struck by a United States Coast Guard vehicle on Route No. 9, east of Park Street, in Westboro, Mass., on September 7, 1943, and for reimbursement of medical, hospital, and other expenses incurred by them as a result of such injuries.

SEC. 2. In the determination of such claims, the United States shall be held liable for damages, and for any acts committed by any

of its officers or employees, to the same extent as if the United States were a private person.

SEC. 3. Suit upon such claims may be instituted at any time within 1 year after the enactment of this act, notwithstanding the lapse of time or any statute of limitations. Proceedings for the determination of such claims, and appeals from and payment of any judgment thereon, shall be in the same manner as in the case of claims over which such court has jurisdiction under the provisions of paragraph "Twentieth" of section 24 of the Judicial Code, as amended.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill conferring jurisdiction upon the United States District Court for the District of Massachusetts to hear, determine, and render judgment upon the claims of Marjorie E. Drake, Edith Mae Drake, Minnie L. Bickford, and Irene M. Paolini."

ALFRED FILES

The Senate proceeded to consider the bill (S. 1899) for the relief of Alfred Files, which had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert:

That jurisdiction is hereby conferred upon the United States District Court for the District of Massachusetts to hear, determine, and render judgment upon the claim of Alfred Files, of Westboro, Mass., against the United States for compensation for personal injuries sustained by him when the horse-drawn wagon in which he was riding was struck by a United States Coast Guard vehicle on route No. 9, east of Park Street, in Westboro, Mass., on September 7, 1943, and for reimbursement of medical, hospital, and other expenses incurred by him as a result of such injuries.

SEC. 2. In the determination of such claim, the United States shall be held liable for damages, and for any acts committed by any of its officers or employees, to the same extent as if the United States were a private person.

SEC. 3. Suit upon such claim may be instituted at any time within 1 year after the enactment of this act, notwithstanding the lapse of time or any statute of limitations. Proceedings for the determination of such claim, and appeals from and payment of any judgment thereon, shall be in the same manner as in the case of claims over which such court has jurisdiction under the provisions of paragraph "Twentieth" of section 24 of the Judicial Code, as amended.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill conferring jurisdiction upon the United States District Court for the District of Massachusetts to hear, determine, and render judgment upon the claim of Alfred Files."

SIGFRIED OLSEN

The Senate proceeded to consider the bill (H. R. 2825) for the relief of Sigfried Olsen, doing business as Sigfried Olsen Shipping Co., which had been reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and insert:

That jurisdiction is hereby conferred upon the Court of Claims to hear, determine, and

render judgment upon the claims against the United States of Sigfried Olsen, doing business as Sigfried Olsen Shipping Co., his heirs or assigns, for just compensation for actual cash losses necessarily incurred by him in the operation of two vessels to South America and return in the fall of 1941 in compliance with specific directions of the United States Maritime Commission, carrying in the interest of national defense cargoes specified and at rates designated by the Commission, outbound and return.

SEC. 2. Suits upon such claims may be instituted at any time within 1 year after the date of the enactment of this act, notwithstanding the lapse of time or any statute of limitation. Proceedings for the determination of such claims, and appeals from, and payment of, any judgment thereon shall be in the same manner as in the case of claims over which the Court of Claims has jurisdiction under section 145 of the Judicial Code, as amended.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill conferring jurisdiction upon the court of claims to hear, determine, and render judgment upon the claims of Sigfried Olsen, doing business as Sigfried Olsen Shipping Co."

EXTENSION OF PERIOD OF THE PHILIPPINE INSURRECTION

The bill (H. R. 4099) to extend the period of the Philippine Insurrection so as to include active service with the United States military or naval forces engaged in hostilities in the Moro Province, including Mindanao, or in the islands of Samar and Leyte, between July 5, 1902, and December 31, 1913, was considered, ordered to a third reading, read the third time, and passed.

MR. AND MRS. ROBERT W. NELSON

The bill (H. R. 3548) for the relief of Mr. and Mrs. Robert W. Nelson and W. E. Nelson was considered, ordered to a third reading, read the third time, and passed.

VICTORIA CORMIER

The bill (H. R. 4024) for the relief of Victoria Cormier, was considered, ordered to a third reading, read the third time, and passed.

MR. AND MRS. R. L. RHODES

The bill (H. R. 2896) for the relief of Mr. and Mrs. R. L. Rhodes was considered, ordered to a third reading, read the third time, and passed.

FIRE DISTRICT NO. 1, COLCHESTER, VT.

The bill (S. 1958) for the relief of Fire District No. 1 of the town of Colchester, Vt., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to fire district No. 1 of the town of Colchester, Vt., the sum of \$10,562.07, in full satisfaction of its claim against the United States for reimbursement of expenses incurred by it in repairing damage to a sewer line, such damage having been caused by the negligence of Army authorities in the installation of such sewer line: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent

thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

CLIFFORD E. LONG AND LAURA C. LONG

The Senate proceeded to consider the bill (S. 1960) for the relief of Clifford E. Long and Laura C. Long, which had been reported from the Committee on Claims with amendment, on page 1, line 6, after the words "the sum of", to strike out "\$10,316.32" and insert in lieu thereof "\$2,316.32"; and to add a proviso at the end of the bill, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Clifford E. Long and Laura C. Long, both of San Diego, Calif., the sum of \$2,316.32. The payment of such sum shall be in full settlement of all claims of the said Clifford E. Long and Laura C. Long against the United States for damages sustained on account of the death of their daughter, Kathleen Mae Long, on or about August 18, 1943, as the result of injuries received when a United States Army airplane in the service of the United States Army crashed into the front yard of the home of the said Clifford E. Long and struck the said Kathleen Mae Long: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JACK V. DYER

The bill (H. R. 1318) for the relief of Jack V. Dyer, was considered, ordered to a third reading, read the third time, and passed.

LEGAL GUARDIAN OF WILLIAM L. OWEN

The bill (H. R. 4226) for the relief of the legal guardian of William L. Owen, a minor, was considered, ordered to a third reading, read the third time, and passed.

JOSEPH PASTE AND OTHERS

The bill (H. R. 1665) for the relief of Joseph Paste and others was considered, ordered to a third reading, read the third time, and passed.

CONSTANTINO ARGUELLES

The bill (H. R. 3495) for the relief of Constantino Arguelles, was considered, ordered to a third reading, read the third time, and passed.

BETTY ROBINS

The bill (H. R. 2512) for the relief of Betty Robins, was considered, ordered to

a third reading, read the third time, and passed.

ELIZABETH A. BECKER

The Senate proceeded to consider the bill (S. 1968) for the relief of Elizabeth A. Becker, which had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the words "the sum of", to strike out "\$2,282" and insert in lieu thereof "\$1,282."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Elizabeth A. Becker, of Kalaloch, Wash., the sum of \$1,282, in full satisfaction of her claim against the United States for compensation for the loss of certain equipment owned by her which was destroyed, while in the custody of the United States Coast Guard, as the result of a fire caused by the negligence of Coast Guard personnel, which occurred in a building occupied by the United States Coast Guard at Becker's Resort, Kalaloch, Wash., on January 8, 1943: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

MRS. J. C. ROMBERG

The bill (H. R. 262) for the relief of Mrs. J. C. Romberg was considered, ordered to a third reading, read the third time, and passed.

LEGAL GUARDIAN OF VIRGINIA McMILLAN AND HOWARD McMILLAN

The bill (H. R. 3753) for the relief of the legal guardian of Virginia McMillan, a minor, and Howard McMillan was considered, ordered to a third reading, read the third time, and passed.

VANNIE BUTLER

The bill (H. R. 1919) for the relief of Vannie Butler was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 4737) for the relief of W. A. Smoot, Inc., was announced as next in order.

The PRESIDING OFFICER. The bill will be passed over.

DENNIS C. O'CONNELL

The bill (H. R. 4439) for the relief of Dennis C. O'Connell, was considered, ordered to a third reading, read the third time, and passed.

EXEMPTION OF UNPAID SELECTIVE SERVICE SYSTEM EMPLOYEES FROM CERTAIN PROVISIONS OF THE CRIMINAL CODE

The bill (S. 1962) extending the provisions of Public Law 47, Seventy-seventh Congress, as amended, to reemployment committeemen of the Selective Service System was announced as next in order.

Mr. WHITE. Mr. President, may we have an explanation of the bill?

Mr. HATCH. Yes, Mr. President; I shall be glad to explain the bill. It simply would include the reemployment committeemen of the Selective Service System who serve without compensation. Under a former act of Congress employees of the Selective Service System who serve without compensation, who are purely voluntary workers, are relieved from the general provisions of law with respect to acceptance of contracts with or employment by the United States Government. The bill would merely place these employees on the same basis as that of other employees of the Selective Service System who serve without compensation.

The PRESIDING OFFICER. Is there objection?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That Public Law 47, Seventy-seventh Congress, approved May 5, 1941 (55 Stat. 150), as amended, be amended to read as follows:

"That nothing in sections 109 and 113 of the Criminal Code (U. S. C., title 18, secs. 198 and 203) or in section 190 of the Revised Statutes (U. S. C., title 5, sec. 99) shall be deemed to apply to any person because of his appointment under authority of the Selective Training and Service Act of 1940 or the Selective Service regulations made in pursuance thereof as a member of a local board, a board of appeal, an advisory board for registrants, as a State director, a Government appeal agent, a reemployment committeeman, or as an individual to conduct hearings on appeals of persons claiming exemption from combatant training and service because of conscientious objections as provided in section 5 (g) of the Selective Training and Service Act of 1940; or because of his appointment as a member of an alien enemy hearing board to assist the Attorney General in the execution of any proclamations heretofore or hereafter issued by the President under the authority of the Alien Enemy Act of 1798 as amended (U. S. C., title 50, secs. 21-24)."

CRIERS AND BAILIFFS IN UNITED STATES COURTS

The Senate proceeded to consider the bill (S. 1747) to further define the number and duties of criers and bailiffs in United States courts and regulate their compensation, which had been reported from the Committee on the Judiciary, with amendments, on page 1, at the beginning of line 6, to strike out the words "his court," and insert "the court in which he presides"; on page 2, in line 5, after the word "four", to strike out "for each court", and in line 11, after the word "present", and the period, to insert "In case the position of crier or bailiff is to be filled by the appointment of a person who has not previously served as either crier or bailiff, preference in the appointment shall be given to a person who has served in the military or naval forces of the United States in time of war and who has been honorably discharged therefrom, if in the opinion of the appointing officer such person is as well qualified as any other available person

to perform to the satisfaction of the appointing officer all the duties of the position being filled", so as to make the bill read:

Be it enacted, etc., That section 5 of the Judicial Code be amended to read as follows:

"Sec. 5. Each district judge may appoint a crier for the court in which he presides, who shall perform also the duties of bailiff and messenger, and who shall receive a salary of \$1,800 per annum and, when necessarily absent from his designated post of duty on the business of the court, his actual traveling expenses and in lieu of his actual expenses for subsistence a per diem allowance to be prescribed by the Director of the Administrative Office of the United States Courts at a rate not to exceed \$8. The marshal for each district may appoint such a number of additional bailiffs, not exceeding four, as the district judge may determine, to maintain order in the courtroom, to wait upon the grand and petit juries, and for other necessary purposes, who shall be allowed for their services the sum of \$6 per day to be paid only for actual attendance on days when the court is in session or the judge or a jury is present. In case the position of crier or bailiff is to be filled by the appointment of a person who has not previously served as either crier or bailiff, preference in the appointment shall be given to a person who has served in the military or naval forces of the United States in time of war and who has been honorably discharged therefrom, if in the opinion of the appointing officer such person is as well qualified as any other available person to perform to the satisfaction of the appointing officer all the duties of the position being filled."

Sec. 2. Section 715 of the Revised Statutes is hereby repealed.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HATCH subsequently said: Mr. President, I have just been advised that another bill which passed the Senate today is in exactly the same situation as the one which we discussed a while ago; that is to say, the House has today passed identically the same measure. That bill is on its way to the Senate. In order to preserve the parliamentary situation and to have something on the Senate Calendar, I ask unanimous consent that the vote by which Senate bill 1747, Calendar No. 1189, was passed be reconsidered, and that the bill be restored to the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PATRICK HENRY NATIONAL MONUMENT

The bill (S. 1819) to repeal the acts of August 15, 1935, and January 29, 1940, relating to the establishment of the Patrick Henry National Monument and the acquisition of the estate of Patrick Henry, in Charlotte County, Va., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the act entitled "An act to provide for the establishment of a national monument on the site of Red Hill estate of Patrick Henry," approved August 15, 1935, and the act entitled "An act to provide for the acquisition by the United States of the estate of Patrick Henry in Charlotte

County, Va., known as Red Hill," approved January 29, 1940, are hereby repealed.

Sec. 2. The Secretary of the Treasury is authorized and directed to cover into the surplus fund of the Treasury the unexpended balances of all amounts heretofore appropriated for the purposes of such acts of August 15, 1935, and January 29, 1940.

BILL PASSED OVER

The bill (S. 1902) to repeal the third proviso of section 2 of the act entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920, was announced as next in order.

Mr. REVERCOMB. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

EXCHANGE OF LANDS SELECTED FOR USE OF UNIVERSITY OF MONTANA

The Senate proceeded to consider the bill (H. R. 4917) conferring upon the State of Montana authority to exchange for other lands certain lands selected by the State of Montana for the use of the University of Montana for biological station purposes pursuant to the act of March 3, 1905 (33 Stat. 1080), which had been reported from the Committee on Public Lands and Surveys, with an amendment, on page 2, after line 5, to insert: "The land acquired by the State of Montana under this act shall be held for the use of the University of Montana as if it had been granted by the United States to the State of Montana by the act of March 3, 1905 (33 Stat. 1080), and a recital to this effect shall be included in the deed by which the land is conveyed to the State."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CONVEYANCE OF CERTAIN PROPERTY TO THE STATE OF NORTH DAKOTA

The Senate proceeded to consider the bill (S. 209) authorizing the conveyance of certain property to the State of North Dakota, which had been reported from the Committee on Public Lands and Surveys, with an amendment, on page 1, after line 9, to insert "In any such grant, there shall be reserved to the United States the right to construct and operate over the property granted canals, ditches, transmission lines, and facilities incidental thereto that may be constructed in connection with Federal projects for the irrigation of land", so as to make the bill read:

Be it enacted, etc., That the act of June 25, 1938 (52 Stat. 1173), is hereby amended to read as follows:

"That the Secretary of the Interior be, and he is hereby, authorized to grant and convey to the State of North Dakota, for military and defense purposes, fee-simple title to all or any part of the lands and improvements comprising the Bismarck Indian School Plant. In any such grant, there shall be reserved to the United States the right to construct and operate over the property granted, canals, ditches, transmission lines, and facilities

incidental thereto that may be constructed in connection with Federal projects for the irrigation of land."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM LUTHER THAXTON, JR., AND WILLIAM LUTHER THAXTON, SR.

The Senate proceeded to consider the bill (S. 1756) for the relief of William Luther Thaxton, Jr., and William Luther Thaxton, Sr., which had been reported from the Committee on Claims, with amendments, on page 1, in line 6, after the words "sum of", to strike out "\$5,000" and insert "\$2,000"; and on page 2, in line 4, after the words "sum of", to strike out "\$5,000" and insert "\$2,694.93", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, (1) to William Luther Thaxton, Jr., of Houston, Tex., the sum of \$2,000, in full satisfaction of his claim against the United States for compensation for personal injuries sustained by him when he was struck by an airplane propeller at Meacham Field, Fort Worth, Tex., on November 3, 1942, while undergoing training under the Civil Aeronautics Administration civilian pilot training program, as a member of the Army Enlisted Reserve Corps, and (2) to William Luther Thaxton, Sr., of Houston, Tex., the sum of \$2,694.93, in full satisfaction of his claim against the United States for reimbursement of medical, hospital, and other expenses incurred by him on account of such personal injuries sustained by his son, the said William Luther Thaxton, Jr.: *Provided*, That no part of the amounts appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OVERTIME COMPENSATION OF CIVILIAN EMPLOYEES OF THE UNITED STATES

The bill (H. R. 3608) relating to certain overtime compensation of civilian employees of the United States was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 2142) for the relief of Lindon A. Long was announced as next in order.

Mr. HILL. Let the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

J. A. DAVIS

The Senate proceeded to consider the bill (S. 2006) for the relief of J. A. Davis, which had been reported from the Committee on Claims, with an amendment, on page 1, line 6, after the words "sum of",

to strike out "\$5,000" and insert "\$2,000", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to J. A. Davis, of Chandler, Ariz., the sum of \$2,000, in full satisfaction of his claim against the United States for compensation for personal injuries sustained by him when he was struck by a United States Army vehicle which crashed into his store at Norton's Corner, near Chandler, Ariz., on November 21, 1943: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ESTATES OF JOSEPH B. GOWEN AND RUTH V. GOWEN

The Senate proceeded to consider the bill (S. 1993) for the relief of the estates of Joseph B. Gowen and Ruth V. Gowen, which had been reported from the Committee on Claims, with amendments, on page 1, in line 6, after the words "sum of", to strike out "\$13,540.80", and insert "\$6,040.80"; and on page 2, in line 4, after the words "sum of", to strike out "\$12,775.50", and insert "\$5,275.50", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated (1) to the estate of Joseph B. Gowen, the sum of \$6,040.80, in full satisfaction of the claims of such estate against the United States (a) for compensation for the death of the said Joseph B. Gowen, (b) for reimbursement of funeral expenses incurred in connection therewith, and (c) for compensation for damage to personal property of the said Joseph B. Gowen, as a result of an accident which occurred when an Army airplane crashed near George Field, Ill., on December 30, 1943; and (2) to the estate of Ruth V. Gowen, the sum of \$5,275.50, in full satisfaction of the claims of such estate against the United States (a) for compensation for the death of the said Ruth V. Gowen, and (b) for reimbursement of funeral expenses incurred in connection therewith, as a result of such accident: *Provided*, That no part of the amounts appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RICHARD H. BEALL

The Senate proceeded to consider the bill (S. 2064) for the relief of Richard H. Beall, which had been reported from the Committee on Claims, with an amend-

ment, on page 1, in line 6, after the words "sum of", to strike out "\$10,000", and insert "\$5,785.40", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Richard H. Beall, of Delray Beach, Fla., the sum of \$5,785.40, in full satisfaction of his claim against the United States for compensation for the death of his wife, the late Mary Juanita Beall, as the result of an accident which occurred when the automobile which she was driving collided with a United States Army vehicle in Delray Beach, Fla., on November 18, 1943: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. FLOSSIE LEESER

The bill (H. R. 2601) for the relief of Mrs. Flossie Leeser was considered, ordered to a third reading, read the third time, and passed.

RELIEF OF CERTAIN DISBURSING OFFICERS OF THE ARMY OF THE UNITED STATES

The bill (S. 2168) for the relief of certain disbursing officers of the Army of the United States, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of the following disbursing officers of the Army of the United States the amounts set opposite their names: Lt. Col. Theodore B. Apgar, Quartermaster Corps, \$3.88; Col. E. F. Ely (deceased), Finance Department, \$351.15; Maj. J. W. McManus, Finance Department, \$9.74; Maj. E. A. Muth, Finance Department, \$127.73; Col. M. F. W. Oliver, Finance Department, \$94.30; Col. H. R. Priest, Finance Department, \$3.04; Lt. Col. E. F. Rea, Finance Department, \$1.50; Special Disbursing Agent Clarence W. Ruland, Jr., \$3.36; Col. John L. Scott, Finance Department, \$21.66; Col. K. E. Webber, Finance Department, \$30; the said amounts representing erroneous payments of public funds for which these officers are accountable, as listed in letter of September 19, 1944, of the Secretary of War to the Speaker of the House of Representatives, such erroneous payments having resulted from minor errors in determining amounts due individuals and commercial firms.

SEC. 2. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Col. H. M. Denning, Finance Department, the sum of \$77, public funds for which he is accountable and which were destroyed by fire while in the custody of Special Agent Franklin C. Newman at a Civilian Conservation Corps camp: *Provided*, That the said Franklin C. Newman shall not be held pecuniarily liable for said sum of \$77 or any part thereof.

SEC. 3. That the Comptroller General of the United States be, and he is hereby, au-

thorized and directed to credit in the accounts of Col. Raymond B. Hatch, Finance Department, the sum of \$646.91, public funds for which he is accountable and which were stolen by a person or persons unknown while in the custody of his agent officer, Maj. (then Captain) Harold F. Scariano, Corps of Engineers: *Provided*, That the said Maj. Harold F. Scariano shall not be held pecuniarily liable for said sum of \$646.91 or any part thereof: *And provided further*, That the said sum of \$646.91 shall be considered and accounted for as a charge against the appropriation "Finance Service, Army."

SEC. 4. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Col. F. Richards, Finance Department, the sum of \$241.56, public funds for which he is accountable and which were paid by him for newspaper advertising for and in behalf of the United States, said advertising having been published without the prior approval of the Secretary of War as required by Revised Statutes 3828 (44 U. S. C. 324): *Provided*, That Maj. Nell R. McKay, Corps of Engineers, shall not be held pecuniarily liable for said sum of \$241.56 or any part thereof.

SEC. 5. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated to Maj. Joseph J. Hickey, Air Corps, the amount of \$140, in full satisfaction of his claim against the United States for a like amount which was supplied by him from personal funds to cover a shortage which developed when, on account of adverse conditions, it was necessary for him to accept from a bank pay-roll funds in Brazilian money, without opportunity for verification.

LT. JAMES H. CLARK AND ELEANOR CLARK

The bill (S. 2098) for the relief of Lt. James H. Clark and Eleanor Clark was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lt. James H. Clark, Carmel, Calif., the sum of \$330, in full settlement of all claims of the said James H. Clark against the United States on account of funeral and burial expenses of his mother, Mrs. Esther Compton Clark, paid by him; and to Eleanor Clark, Carmel, Calif., the minor child of the said Esther Compton Clark, the sum of \$4,000, in full settlement of all claims of the said Eleanor Clark against the United States on account of loss of support occasioned by the death of her mother, Esther Compton Clark, when the said Esther Compton Clark was run down and killed by a Navy truck on Ocean Avenue near Casanova Street, Carmel, Calif., on April 7, 1944: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

RESTORATION AND ADDITION OF CERTAIN PUBLIC LANDS TO THE UTAH AND OURAY RESERVATION IN UTAH

The Senate proceeded to consider the bill (H. R. 837) to restore and add certain public lands to the Utah and Ouray Reservation in Utah, and for other purposes, which had been reported from the

Committee on Public Lands and Surveys with amendments.

The first amendment was, on page 1, line 7, after the word "reservation", to insert "the same constituting all of the undisposed of, surplus lands."

The amendment was agreed to.

The next amendment was on page 3, line 1, to insert "township 5 south, range 4 west, sections 12, 13, 14, 24, 25, 26, 35, and 36."

The amendment was agreed to.

The next amendment was on the same page, line 3, to insert "township 5 south, range 3 west."

The amendment was agreed to.

The next amendment was on the same page, line 4, to insert "township 4 south, range 1 east."

The amendment was agreed to.

The next amendment was on the same page, line 5, to insert "township 4 south, range 1 west."

The amendment was agreed to.

The next amendment was, on the same page, line 9, after the word "such", to strike out "lands formerly belonging to any Indian reservation in said State, to the extent that they have not been disposed of by the United States, are hereby declared to be the absolute property of the United States free from any trust restrictions" and insert "undisposed of open lands located within the boundaries of the former Uintah Indian Reservation in said State are hereby declared to be the absolute property of the United States free from any trust restrictions: *Provided*, That suit may be instituted in the Court of Claims under the provisions of the act of June 28, 1938 (52 Stat. 1209), as amended, to recover just compensation for such lands hereby taken and that the United States shall not, in such suit, be entitled to take as a credit or set-off any gratuitous expenditures made for the Ute Indians, but shall be entitled to take as a credit or set-off that portion of the expenditures made to carry into effect the provisions of the act of May 27, 1902 (32 Stat. 245, 263), opening said reservation to entry as the acreage hereby taken bears to the entire acreage thereby opened to entry: *Provided further*, That if in any suit which may be instituted under said act of June 28, 1938, as amended, the court shall find that any band or bands of the Ute Indians entered into a treaty or treaties with the United States whereby such band or bands agreed to surrender and relinquish to the United States all their possessory right of occupancy in and to all the lands theretofore claimed and occupied by them, as therein defined and set forth (except lands therein reserved for their exclusive use and occupation), and in substantial compliance with the provisions thereof, did surrender and relinquish to the United States such right of occupancy and that the United States, notwithstanding its failure to ratify said treaty or treaties accepted the benefits of such surrender and relinquishment, it is hereby declared that such action shall be sufficient grounds for equitable relief and the court shall enter judgment in favor of said Indians for such lands at the rate of \$1.25 per acre; but such judgment shall not as respects such cause of action

include any increment, interest, or equivalent thereof, from the date of taking to the date of judgment, as an element of just compensation or otherwise, and this limitation is not severable from the other provisions of this proviso: *Provided further*, That the said act of June 28, 1938, as amended, shall be construed to permit any and all bands of Ute Indians to assert any and all claims which have accrued to any or all of them since they acknowledged themselves to be under the exclusive jurisdiction of the United States (9 Stat. 984), except those actually litigated and determined in the cause entitled "*The Ute Indians v. The United States*" (45 C. Cls. 440), but this exception shall not be construed as barring claims which, although they could have been, were not litigated and determined in said cause: *Provided further*, That in any suit instituted under said act of June 28, 1938, as amended, the United States shall not be entitled to take as a credit or set-off, any expenditures made by the United States for the Ute Indians prior to the time the cause of action sued upon arose, or for educational purposes; and, in the event of recovery in any suit jointly brought by more than one band of Ute Indians, the court shall separately ascertain the share of the recovery to which each band is entitled, and separately set off the amount of offsets chargeable to each band: *Provided further*, That in any suit instituted under said act of June 28, 1938, as amended, the Supreme Court of the United States shall have authority to review, as in other cases, any final judgment, or any judgment relating to the right of the plaintiff to recover but which reserves for further proceedings the determination of the amount of the recovery and the amount of the offsets: *Provided further*, That in awarding compensation to the attorney or attorneys prosecuting any suit under said act of June 28, 1938, as amended, the Court of Claims, or the Secretary of the Interior, as the case may be, shall consider all services rendered by said attorney or attorneys and their predecessors under contracts entered into by the Ute Indians with their agent or attorneys, and approved by the Secretary of the Interior, including services rendered before the Members and committees of Congress, the departments of the Government, and the courts, with respect to all suits instituted thereunder: *Provided further*, That the actual expenses of said attorney or attorneys heretofore or hereafter incurred or expended in the prosecution of any suit instituted under said act of June 28, 1938, as amended, shall be paid as provided in the contracts approved by the Secretary of the Interior under which such suit is instituted."

The amendment was agreed to.

The next amendment was, on page 6, after line 17, to strike out:

SEC. 3. The Secretary is hereby authorized and directed, subject to any valid existing rights, to establish an Indian grazing reserve within the boundaries of Utah Grazing District No. 8 by selecting and setting apart public lands adjacent to the base properties of the Indians of the Uintah and Ouray Reservation for the exclusive use and benefit in common of the said Indians. The establish-

ment of such Indian grazing reserve shall not restrict prospecting, locating, developing, mining, entering, leasing, or patenting the mineral resources in such reserve under the mining and mineral-leasing laws applicable to the public lands of the United States. The area of the public lands to be set aside shall be determined by the Secretary with due regard to the commensurability of said base properties, the amount of lands needed for the proper conduct of a livestock enterprise based upon such Indian properties, and such other range requirement standards as the Secretary may deem proper.

And insert:

SEC. 3. In determining the extent of the tribal and individual grazing privileges of the Ute Indians within the present boundaries of Utah Grazing District No. 8, the Grazing Service, under the supervision of the Secretary of the Interior, shall give recognition to the prior use and productive capacity of any lands purchased for said Indians during the last 11 years as of the time of their purchase; in all other respects the grazing rights of the Ute Indians (tribal and individual) shall be determined and administered by the Grazing Service under the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976), and July 14, 1939 (53 Stat. 1002).

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

EVERGLADES NATIONAL PARK PROJECT, FLORIDA

The bill (S. 2141) to provide for the acceptance and protection by the United States of property within the authorized boundaries of the Everglades National Park project, Florida, pending the establishment of the park, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, (a) for the purpose of protecting the scenery, the wildlife, and other natural features of the region authorized to be established as the Everglades National Park by the act of May 30, 1934 (48 Stat. 816; 16 U. S. C., secs. 410, 410a-410c), notwithstanding any provision contained in that act, the Secretary of the Interior is authorized in his discretion to accept on behalf of the United States any land, submerged land, or interests therein, subject to such reservations of oil, gas, or mineral rights as the Secretary may approve, within the area of approximately 2,000 square miles recommended by said Secretary in his report to the Congress of December 3, 1930, pursuant to the act of March 1, 1929 (45 Stat. 1443): *Provided*, That no general development of the property accepted pursuant to this act shall be undertaken nor shall the park be established until title satisfactory to the Secretary to a major portion of the lands, to be selected by him, within the aforesaid recommended area shall have been vested in the United States: *Provided further*, That until the property acquired by the United States pursuant to this act has been cleared of the aforesaid reservations, the Secretary in his discretion shall furnish such protection thereover as may be necessary for the accomplishment of the purposes of this act: *And provided further*, That in the event the park is not established within 10 years from the date of the approval of this act, or upon the abandonment of the park at any time after its establishment, title to any lands accepted pursuant to the provisions of this act shall thereupon automatically revert in the State of Florida or

other grantors of such property to the United States.

(b) Upon the execution of the aforesaid provisions relating to establishment thereof, the Everglades National Park shall be established by order of the Secretary which shall be published in the Federal Register.

Mr. HATCH. Mr. President, Representative PETERSON, who is chairman of the Public Lands Committee of the House of Representatives, has just called me on the telephone and told me that an identical bill to the one just passed by the Senate was passed today by the House and has just been messaged over to the Senate. The situation now is that the House and the Senate have passed the same kind of a bill on the same day. I ask unanimous consent that the vote by which Senate bill 2141 was ordered to be engrossed for a third reading, read the third time, and passed, be reconsidered, and that when the message from the House of Representatives announcing the passage of the House bill to which I have referred is laid before the Senate, the House bill then be taken up and considered, and the Senate bill be indefinitely postponed.

Mr. HILL. Mr. President, I think it would be well to reconsider the vote by which the Senate bill was passed, let the Senate bill lie temporarily on the table, and have the House bill immediately considered when the message is laid before the Senate.

Mr. HATCH. Very well.

The PRESIDING OFFICER. Without objection, the vote by which Senate bill 2141 was passed is reconsidered, and the bill will be returned to the calendar.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. McLeod, one of its clerks, announced that the House had passed a bill, H. R. 5289, to provide for the acceptance and protection by the United States of property within the authorized boundaries of the Everglades National Park project, Fla., pending the establishment of the park, and for other purposes, in which it requested the concurrence of the Senate.

EVERGLADES NATIONAL PARK PROJECT, FLORIDA

The PRESIDING OFFICER. The Chair lays before the Senate a bill coming over from the House of Representatives, which will be read.

The bill (H. R. 5289) to provide for the acceptance and protection by the United States of property within the authorized boundaries of the Everglades National Park project, Florida, pending the establishment of the park, and for other purposes, was read twice by its title.

Mr. HATCH. Mr. President, I move that the Senate proceed to the consideration of House bill 5289, which has just been laid before the Senate.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

Mr. HATCH. Mr. President, I ask unanimous consent that Senate bill 2141 be indefinitely postponed.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

TRANSFER OF JURISDICTION OVER CHATTANOOGA NATIONAL CEMETERY

The bill (H. R. 5232) to transfer jurisdiction over the Chattanooga National Cemetery, Chattanooga, Tenn., from the Department of the Interior to the War Department, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

FACILITIES OF OLYMPIC NATIONAL PARK

The bill (H. R. 1654) to authorize the acquisition of certain privately owned property within the Olympic National Park, in the State of Washington, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

REPLACEMENT OF INDIAN FISHING GROUNDS SUBMERGED OR DESTROYED BY CONSTRUCTION OF BONNEVILLE DAM

The bill (S. 1581) to authorize the Secretary of War to acquire lands and provide facilities to replace Indian fishing grounds submerged or destroyed as a result of the construction of the Bonneville Dam was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized, under such terms and conditions as he may deem advisable, to acquire lands and provide facilities in the State of Oregon to replace Indian fishing grounds submerged or destroyed as a result of the construction of Bonneville Dam: *Provided*, That not to exceed \$50,000 may be expended for this purpose from funds heretofore or hereafter appropriated for maintenance and improvement of existing rivers and harbors works: *Provided further*, That such lands and facilities shall be transferred to the Secretary of the Interior for the use and benefit of the Indians, and shall be subject to the same conditions, safeguards, and protections as the treaty fishing grounds submerged or destroyed.

ALEX WYLIE, AND THE ESTATE OF JAMES EVANS

The Senate proceeded to consider the bill (H. R. 4366) for the relief of Alex Wylie, and the estate of James Evans, which had been reported from the Committee on Claims with an amendment on page 1, line 6, after the word "Georgia", to strike out "\$600" and insert "\$1,000."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The PRESIDING OFFICER. That completes the calendar.

HELEN HALVERSON

The PRESIDING OFFICER (Mr. McFarland in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 1731) for the relief of Helen Halverson, which was, on page 1, line 6, to strike out "\$3,000" and insert "\$2,500."

Mr. RUSSELL. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

CHANGE OF TERM FOR DISTRICT COURT OF NORTH DAKOTA

Mr. LANGER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 916, Senate bill 1898.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (S. 1898) to amend section 99 of the Judicial Code, as amended, so as to change the term of the District Court for the District of North Dakota at Minot, N. Dak.

Mr. LANGER. All the bill would do would be to change the term of the District Court for the District of North Dakota at Minot, N. Dak., from the second Tuesday in April to the first Tuesday in October.

Mr. HILL. Mr. President, reserving the right to object, I notice the presence of the distinguished acting chairman of the Senate Committee on the Judiciary. I refer to the Senator from New Mexico [Mr. HATCH]. May I ask what are his views upon the subject?

Mr. HATCH. Mr. President, in response to the question of the Senator from Alabama, my recollection is that the bill received unanimous support of the committee. The bill pertains to a matter relating to the term of the district court for the District of North Dakota at Minot, N. Dak. As I recall, there was no objection to the bill voiced by anyone to our committee.

Mr. WHITE. Mr. President, I may add that I have talked with both Senators from North Dakota and I believe there is complete unanimity between them with reference to the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 99 of the Judicial Code, as amended, is amended by striking out the words "at Minot on the second Tuesday in April" where they appear in the fourth sentence thereof, and inserting in lieu thereof the words "at Minot on the first Tuesday in October."

ADDITIONAL ORDNANCE MANUFACTURING AND PRODUCTION FACILITIES

Mr. WALSH of Massachusetts. Mr. President, from the Committee on Naval Affairs I report favorably, without amendment, Senate bill 2194, authorizing appropriations for the United States Navy for additional ordnance manufacturing and production facilities, and for other purposes, and I submit a report (No. 1215) thereon.

The bill is an emergency measure. There has already been appropriated \$660,000,000 for manufacturing of war materials by the Navy. There is now available only \$10,000,000, and that amount of money has been requested to be appropriated through the Committee on Appropriations. The request for \$50,000,000 more comes as the result of demands of the Army for rocket bombs. The Navy manufactures such bombs, and delivers them to the Army. The demand has become so great that it is essential

that the requested authorization be made, if possible, during the present session of Congress. The committee has held hearings on the matter. There is no opposition to the measure. All members of the committee unanimously favor its consideration.

Mr. TAFT. Mr. President, will the gentleman yield?

Mr. WALSH of Massachusetts. I yield.

Mr. TAFT. Will the Senator state how much money is involved?

Mr. WALSH of Massachusetts. There is involved \$50,000,000.

Mr. President, I ask for the present consideration of the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (S. 2194) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, \$50,000,000 for necessary tools, equipment, and facilities for the manufacture or production of ordnance material, munitions, and equipment at either private or public plants.

SEC. 2. The authority herein granted shall include the authority to acquire lands at such locations as the Secretary of the Navy may deem best suited to the purpose, erect or extend buildings, acquire the necessary machinery and equipment, and in private establishments provide plant-protection installations, and shall be in addition to all authority heretofore granted for these purposes.

SEC. 3. The Secretary of the Navy from time to time, but not less frequently than every 60 days, shall transmit to the Congress a full report of all acquisitions of land, by lease or otherwise, effected under the authority of this act.

RESIGNATION OF THE SECRETARY OF STATE

Mr. McKELLAR. Mr. President, I learned a few moments ago that the distinguished Secretary of State, our friend, Cordell Hull, has resigned as Secretary of State because of ill health.

Mr. President, I deeply regret that the condition of Secretary Hull's health will not permit him to continue as Secretary of State. He has made such an able, splendid Secretary of State that I regard it as a great misfortune that the country should be deprived of his services at this most important period of our history. He is familiar with every detail of the foreign situation; indeed, probably no one has it better in hand or in mind than has Secretary Hull.

Mr. President, I have known Secretary Hull for nearly 40 years. He is the soul of honesty and integrity and one of the most conscientious and high-minded statesmen who ever served the Republic. His services in the House of Representatives, his services in the Senate, and his services in the State Department have been outstanding and have reflected great honor upon the Nation and upon the State of Tennessee, from which he comes. My association with Cordell Hull in the House of Representatives, in the Senate, and since he has been Secretary of State has at all times been of the most intimate and cordial character.

I do not believe that any man who has ever held that exalted position has reflected greater honor upon it or has ever conducted it in a more successful manner than has Cordell Hull. He has but one idea, one purpose, one ambition, and that was fairly and justly to protect and safeguard the interests of the great country which he represented so well as head of the Department of State. That was also the ideal which inspired him as a Representative in the other House, and as a Senator, as many of my colleagues will remember. There have been many criticisms, but very few if any that ever reflected in the slightest degree upon his ability, upon his sagacity, upon his honesty, his fairness, or his patriotism as an American.

It is, I repeat, a great misfortune that his health is in such a condition that he cannot further carry on his arduous duties, for never has a man studied questions more carefully or endeavored more earnestly to represent his country in all the momentous decisions which had to be made than has Cordell Hull during the years he has served so faithfully as Secretary of State. I deeply deplore his retirement from office and I hope that the indisposition from which he now suffers will soon pass away and that he will be restored to health and strength so that he may continue to carry on. I regard him as one of the finest men and one of the noblest characters I have ever known in all my public life.

Mr. CONNALLY. Mr. President, the resignation of the Secretary of State, the Honorable Cordell Hull, seems to me to be almost tragic. Just at a time when he was about to realize the culmination of years of toil and effort looking toward the establishment of an international organization in behalf of peace, his health becomes such that he feels that he is forced to retire from the active duties of his office.

Secretary Hull has an unblemished reputation for integrity, for high-minded public service, and for strict adherence to the highest ideals of professional ethics. He has been a tireless worker and has to his credit many outstanding accomplishments in behalf of the people of the United States and, in a larger measure, in behalf of the people of the world.

He rendered outstanding service with regard to the Western Hemisphere and the creation of a spirit of unity and harmony between all the republics of the western world. He took a leading part, as we know, in the great and historic conference held at Moscow, which was the forerunner of what we hope to be the machinery of an international peace organization which we anticipate will be created early in the next year.

Personally I feel a very keen regret and a deep sense of loss. It was my pleasure as a young Member of the House of Representatives to serve with Secretary Hull in that body for 10 years. I had also the honor of serving with him for a short time in the United States Senate. Throughout his service in the Congress he exemplified all the fine qualities that a Member of the Congress should possess. He had a concept of the functions of the departments and of the functions of the Federal Government with relation to the

States that was entirely sound and reflected the historic policy of the Nation.

The great office of the Secretary of State has been held by many eminent men. Among the number were Thomas Jefferson, third President of the United States; John Jay, an eminent jurist and distinguished diplomat; James Madison, one of the authors of the Constitution, and a President of the United States. Daniel Webster served as Secretary of State, and was also a great Senator from the State of Massachusetts. William H. Seward, of New York, had a distinguished record in this office. Richard Olney, of Massachusetts, was Secretary of State in the Cleveland administration, and took a leading part in the controversy over the Monroe Doctrine, arising because of a dispute with Venezuela and Great Britain. Elihu Root, one of the great legal minds of the Nation, occupied this station. Philander C. Knox, of Pennsylvania, was also an eminent Secretary of State, and a great judicial authority. William J. Bryan was Secretary of State in the early days of the Wilson administration. Chief Justice Charles Evans Hughes served as Secretary of State.

Finally came the distinguished subject of these remarks, Cordell Hull. He does not suffer in comparison with the eminent men whose names I have mentioned. He perhaps did not play upon as spectacular a stage as some of them, but in the fundamental, primary qualities of statecraft, of personal integrity, of vision, and of outlook, Secretary Hull was not excelled by any of those whose shining names I have mentioned.

Mr. President, it is a misfortune to the people of the United States and to the people of the world that Secretary Hull's strength was not preserved and increased, in order that he might witness the culmination of his Herculean efforts and of his fine vision as to the future and the welfare of the world, and that he could not witness the organization and the ratification by this body of an instrumentality for world peace, and to suppress aggression.

Mr. President, I am glad to pay to Secretary Hull my personal tribute of admiration and affection and my official appraisal of the loftiness of character, of the strength, and of the gentleness of this great man, whom disease and illness have struck down in the very flower of his power and influence.

Mr. VANDENBERG. Mr. President, I wish earnestly to join, from this Republican side of the aisle, in the expression of the deepest regret regarding the news of the retirement of Secretary of State Hull. I regret it not only because his retirement is the result of ill health, from which a sympathetic world will pray for his swift and complete recovery; I regret it also and particularly because it takes from high public service at this critical moment of the world's history and our own, one of the ablest officers and one of the finest characters I have ever known in my time.

Secretary Hull has the confidence of Congress and the country—yes, and of the United Nations—in rare degree. He deserves it, because of his devotion to the highest principles, his indefatigable attachment to the high and human

ideals which he personified, his capacity for friendly and considerate and unpartisan contacts with his fellow men, and the shining integrity which has always been the standard of his life.

If the great peace adventure upon which the hopes of the world hang is a success, it must never be forgotten or ignored that the trademark of Cordell Hull's genius, patience, vision, and diplomacy is upon it.

Many of us have known Secretary Hull here in the Senate; we have known him in his Cabinet portfolio; we have known him as a genial, kindly friend. We will all hope for his prompt recuperation and for his continuing influence in the administration which he leaves at such untimely moment.

Mr. President, the President of the United States will never make a more important appointment than the selection of the successor to Secretary of State Cordell Hull, because it involves not only the completion of our peace contacts with the international world, but it also involves the popular confidence with which the American people will engage themselves in this great peace adventure.

Mr. WHITE. Mr. President, the retirement of Mr. Hull is a national calamity. It is a tragic loss to the statesmanship of the world. As a Member of the House of Representatives, as a Senator of his State and of the United States, and as Secretary of State, in all these positions of public trust, he constantly grew in stature until today Mr. Hull is a world influence.

Kindly, gracious, with integrity unchallengeable, with deep convictions and steadfast loyalty to them, he has won the hearts and respect of all his associates in public service.

Mr. President, I deeply regret that physical conditions recommend his retirement. This regret will be universal. Our respect and affection will abide with Mr. Hull all the days of his life.

Mr. HATCH. Mr. President, as one of the younger group of Senators who did not have the privilege of knowing Secretary Hull as he served in the House of Representatives, but who in recent months have had more or less close contact with him in dealing with questions which involve the welfare of every human being in all the world, I cannot let this opportunity pass without saying one word or two of my own.

I could say, Mr. President, in this hour, that if ever the world needed statesmanship, it is now; if ever the world needed patriotic service to mankind, it is now; if ever the world needed integrity and courage in public officials, it is now, and in the months to come. I could say those things about all the world and about Secretary Hull, and they would be true of him, for he does embrace all those characteristics which the world needs so much today.

I do not choose to base my remarks upon the needs of the world; I am thinking at this moment of the needs of my own country, the needs of generations yet unborn, and I wish to say that America needs now more than ever, perhaps, in her history, men of leadership, men of courage, men of patriotism, men of in-

tegrity, and men of devotion to the country's welfare.

Cordell Hull possessed all these qualities and more. True it is, the world has lost in the illness which requires his resignation from the high position he has held, but I think it is more true that our own country suffers in losing the services of that great statesman, that great patriot, that great American, Cordell Hull.

Mr. HILL. Mr. President, I wish to join with the distinguished Members of this body who have expressed regret because of the retirement of Secretary Hull from the public service, and to join with them also in the just and deserved tributes which they have paid him. Practically the whole mature life of Secretary Hull has been a life of service to our country. He started back in his native State of Tennessee as a nisi prius judge. He came to the House of Representatives, and I recall when I had the honor of entering that body he was then acclaimed as one of the greatest and most outstanding authorities, not only in the Congress but throughout the Nation, on the great and troublesome questions of tariff and taxation. Promoted by his people to this body, his service here was one of great distinction.

But the crowning glory of his career has, of course, been his work as the Secretary of State. I was impressed with what the Senator from Texas [Mr. CONNALLY] had to say about Secretary Hull's appreciation of this body, the Senate. Certainly no man who has been Secretary of State of the United States has had a deeper appreciation than he of this body or the place of this body in treaty-making and in the formulation and determination of our foreign policy, and at all times Secretary Hull not only gave to the members of the Senate Committee on Foreign Relations but to other Members of the Senate his full confidence, ever inviting them to confer with him in order that he might give to them the best information or light on the vexing problems of foreign policy which were confronting our country.

Men may not always have agreed with Cordell Hull, but in all my 20 years of rather intimate knowledge of him, and of the Members of the Congress of the United States, I have never known any man who ever questioned his devotion, his patience, and his integrity. Mr. President, his integrity stood forth like a great rock in a weary land. He set an example of public service for all of us.

We know that Moses led the children of Israel out of bondage and led them for many a long year, but that it was denied to him to cross over into the promised land. If we shall ever cross over into the promised land of an enduring peace it will be due in large measure to the leadership, the devotion, and the indefatigable efforts of Secretary Hull.

During these later years of great stress and great suffering, Mr. Hull has been a man dedicated to the cause of his country and to the cause of the peace of the world. Future generations will know the service that he rendered as one of the great Secretaries of State of all time, as one of the great public servants in all our history. This is indeed, Mr. Presi-

dent, a sad day, not only for the United States but for all the world, when we lose the services of a statesman and a patriot so great as is Cordell Hull.

Mr. CLARK of Missouri. Mr. President, it is a tragedy and a calamity that in this time of international stress and crisis, a time when our own domestic policy with regard to post-war relations with other nations is to be decided, the great statesman, Cordell Hull, has been forced to retire from the Cabinet. Millions of Americans will be deeply grieved not only by the fact of his retirement but by the fact that his retirement was caused by the state of his health.

I do not think the services of Secretary Hull in the last 12 years can possibly be overestimated. He has served longer as Secretary of State than any other man in the history of the country, and he will be enrolled in history as one of the very greatest of that illustrious line of statesmen who have been Secretaries of State of the United States, considered by many to have been a more distinguished line than the line of the Presidents themselves. It seems to me that Secretary Hull's services at this particular time are irreplaceable. I say that with all regard and admiration for his successor.

Mr. President, it has been my privilege to know Secretary Hull and know him intimately since he first went to the House of Representatives nearly 40 years ago. Even at that time, young as he was, he already had a record of distinguished service. He was an able officer in the Army during the Spanish-American War and a distinguished jurist in his own State of Tennessee. He immediately took high rank in the House of Representatives, and he was the father of the present theory of the income-tax law, of which he was the author, adopted before the constitutional amendment authorizing the income tax, and in an effort to circumvent the decision of the Supreme Court of the United States in the Pollock case. He speedily took high rank as the leading authority on the tariff and on other fiscal subjects in the Congress of the United States. His whole public career has been a monument of honor, of high courage, and of deepest devotion to the public service.

Roscoe Conkling once said in an oration that fame rests not so much on things written and things said as on the arduous greatness of things done.

I am sure that every patriotic citizen of the United States indulges the hope and the very devout wish that Cordell Hull's health will be sufficiently restored so that he may be called back to some position of high service to his country.

Mr. CHANDLER. Mr. President, I am glad to join with my colleagues in paying a tribute to Cordell Hull while he yet lives. In being able to pay this tribute we find ourselves at our best. Too often we wait until our friends and associates are dead to say what we think about them or about their services. Cordell Hull has earned in his lifetime the respect of the American people. He has

earned it because of his great devotion to their welfare.

A great tragedy has fallen upon the people today when we can no longer count on his services in his capacity of Secretary of State. His genuineness, his considerateness, his warmth of feeling, and his very great devotion to the people of the United States will be something that the people of the United States will never forget.

This, Mr. President, in a few words is my simple tribute to my friend who retires from the public service today.

Mr. BURTON. Mr. President, in joining in this expression of appreciation of our great Secretary of State, let me say that I have not had the privilege of serving with him so long as have some of the Members who have spoken. Nevertheless, I have formed the highest regard for him and for his services to the world and to the Nation.

I merely wish at this time to call attention to one particular feature as we move forward with the work which he has begun. The great progress in the world toward a general international organization dates from the visit which Secretary Hull himself made to Moscow. At that time he was the leading factor in bringing from that meeting the so-called Moscow Agreement, upon which the resolution of the United States Senate of November 5, 1943, was based. It is therefore upon his recommendation, upon the language of the Moscow Agreement and upon his leadership, that the Senate of the United States has taken its position and indicated the policy of the United States of America in this crisis. That policy is founded on four cornerstones. The Senate recognizes the necessity of there being established at the earliest practicable date a general international organization based upon the principle of the sovereign equality of all peace-loving states, and open to membership by all such states, large and small, for the maintenance of international peace and security. That in itself is a monument to Secretary Hull which the Senate has recognized and which I trust the Nation will shortly recognize.

EXECUTIVE SESSION

Mr. HILL. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. McFARLAND in the chair) laid before the Senate messages from the President of the United States submitting several nominations, which were referred to the appropriate committee.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. WALSH of Massachusetts, from the Committee on Naval Affairs:

Sundry officers for promotion for temporary service in the Marine Corps.

By Mr. CONNALLY, from the Committee on the Judiciary:

Steve M. King, of Texas, to be United States attorney for the eastern district of Texas.

By Mr. HATCH (for Mr. MURDOCK) from the Committee on the Judiciary:

Joseph W. Kehoe, of Alaska, to be United States district judge for division No. 2 of Alaska, vice J. H. S. Morison, term expired;

By Mr. HATCH (for Mr. ANDREWS) from the Committee on the Judiciary:

Jordan B. Royall, of Florida, to be United States marshal for the northern district of Florida; and

Gerald A. Gleeson, of Pennsylvania, to be United States attorney for the eastern district of Pennsylvania.

By Mr. GEORGE, from the Committee on Finance:

The following-named persons to be members of the Advisory Board, Office of War Mobilization and Reconversion:

PUBLIC MEMBERS

O. Max Gardner, of North Carolina.

William H. Davis, of New York.

Anna M. Rosenberg, of New York.

LABOR MEMBERS

William Green, of Ohio.

Philip Murray, of Pennsylvania.

T. C. Cashen, of New York.

AGRICULTURE MEMBERS

Edward A. O'Neal, of Alabama.

James G. Patton, of Colorado.

Albert S. Goss, of Washington.

INDUSTRY MEMBERS

Eric A. Johnston, of Washington.

George H. Mead, of Ohio.

Nathaniel Dyke, Jr., of Arkansas.

By Mr. McKELLAR, from the Committee on Post Offices and Post Roads:

Sundry postmasters.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nominations on the calendar.

NOMINATION OF GUY MASON TO BE COMMISSIONER OF THE DISTRICT OF COLUMBIA

The legislative clerk read the nomination of Guy Mason to be Commissioner of the District of Columbia, which nomination had been previously passed over.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to this nomination?

Mr. BUSHFIELD. Mr. President, I wish to say a few words to explain why I do not believe this nomination should be confirmed.

The Senator from Nevada [Mr. McCARRAN] was chairman of the District Committee at the time the matters whereof I shall speak were before the committee. The Senator from Nevada is not present. Although I have understood that it was his desire to be heard when this nomination was considered, I have no personal word from him to that effect.

In September 1943, the Senator from Nevada, as chairman of the District Committee, in answer to a petition signed by approximately 150 patients of the tubercular ward in Gallinger Hospital in this city, appointed a subcommittee to investigate Gallinger Hospital. In order to explain to Members of the Senate why I do not think this nomination should be confirmed, it is necessary for me to go into some of the details of that investigation, and I hope the Senate will bear with me. I shall be as brief as possible in the presentation of my views.

The Senator from Oregon [Mr. HOLMAN], the Senator from Delaware [Mr. BUCK], and I were named on the subcommittee by the chairman, the Senator from Nevada. I had never heard of Gallinger Hospital before that appointment. We gathered in the office of the Senator from Oregon, and asked the clerk of the committee where Gallinger Hospital was. He could not tell us. So we called a taxicab and drove to Gallinger Hospital. We spent the afternoon there. If Senators do not know where it is located, let me say that it is on the Anacostia River, a short distance east of the Capitol.

While we could not possibly examine or investigate Gallinger Hospital in an afternoon, we did see a number of things which were so conspicuous that they could not be overlooked. For one thing, we called at the kitchen of the hospital. Excuses were made, during the course of the investigation and thereafter, that sufficient appropriations had not been made for obtaining proper facilities for the hospital. I challenge that statement, because the appropriations which have been made have been almost identical with the recommendations of the budget officer for that purpose throughout many years.

On the afternoon we went to the kitchen of the hospital I found the concrete floor in the kitchen covered with greasy, dirty water, standing in pools. I called upon a couple of newspapermen, who had apparently accidentally found their way into the place, to observe the conditions. The work tables in front of the ranges in the kitchen were greasy, unclean, and unfit for the preparation of human food.

We then turned to the ranges. There was a row of them on the wall behind the work tables. Those ranges were completely coated with an accumulation of old and unremoved grease which must have taken months to collect. The grease was at least a third of an inch thick upon all those ranges. In the warming ovens above the ranges we could see cockroaches flitting about. The dirt in the corners of the warming ovens was such that one would not keep food in there for a dog; and yet food was kept there for the poor and unfortunate people who were patients at that institution.

I hold no brief for anyone in this connection. I have a bare personal acquaintance with Mr. Mason, who is a Commissioner of the District of Columbia.

But we found other things. We went to the tubercular ward, where we found filth, dirt, and stinking corruption which were a disgrace to the city of Washington, and which had been there for months. In the cupboards of various rooms there were cockroaches, lice, and worms of various kinds. Bathrooms were filthy. The tubs were so black that one would not bathe a hog in them. The windows had not been washed for many months.

After seeing those things, your subcommittee thought it advisable to conduct hearings upon this matter, so we called a hearing. We advertised it so as to give everyone in the city of Washington who wished to appear before the committee an opportunity to be heard.

We took testimony for many days. I think we made a thorough and searching examination of the witnesses who appeared before us.

Senators may wonder how Commissioner Mason is tied into this thing. I will tell the Senate. Three Commissioners are appointed by the President for the government of the city of Washington. They are appointed for terms of 3 years. At the present time the term of one of the Commissioners is about to expire, or has just recently expired, but he continues to serve until a successor is appointed, so no harm is done by delay in acting upon the nomination.

Commissioner Mason, among others, was called as a witness Mr. President, before your committee. Before I conclude I shall read some of Commissioner Mason's testimony. He flatly refused to testify before the committee. He defied the committee and said that he would not answer questions until the investigation was over.

Mr. President, the position of Commissioner Mason in this matter is very important, for the following reasons: Prior to the hearing a year ago, the three Commissioners of the District of Columbia divided the work of the District of Columbia into three parts, and Commissioner Mason had exclusive jurisdiction of Gallinger Hospital and other institutions in the District of Columbia. The other two Commissioners paid no attention to them; that work was not their job. It was Commissioner Mason's job to supervise completely that institution. That is why Commissioner Mason becomes important when his nomination is before the Senate for another appointment for 3 years to that job.

Mr. President, Mr. Mason admitted in the course of a discussion of this matter that he had not been to Gallinger Hospital for many weeks. Several weeks before—about the middle of July 1943, as I recall—the Comptroller General of the United States had made a thorough examination of certain fiscal irregularities in that hospital. The Comptroller's report was submitted to the Commissioners on July 18, 1943, as I remember. The report, which is available to anyone who wishes to see it, specifically charged irregularities—thefts, if you please—at Gallinger Hospital by employees there, irregularities on the part of the superintendent, and the appropriation of property by employees here, there, and everywhere. In fact, they even carried away whole hams, for the use of various employees. In the face of charges of that kind, I maintain that Commissioner Mason was, in duty bound, obligated to go to Gallinger Hospital and find out what was going on, if he had not been there before—and according to the testimony and according to the evidence as to the physical conditions at Gallinger Hospital, the Commissioner had never been there, at least no more than to call on the Superintendent—because he was absolutely responsible for that hospital and its condition, and no man in his right senses could overlook the conditions of filth, degradation, and rotten stinkiness which existed at Gallinger Hospital, which made it a disgrace to the city of

Washington and the District of Columbia, our National Capital. Commissioner Mason did not do anything to obviate those conditions. He did not do anything to try to correct what was going on. The testimony or the report of the Comptroller shows that several of the witnesses against whom the accusation of theft was made by the Comptroller and his investigators were still on the pay roll at Gallinger Hospital. Commissioner Mason knew what that report was. He had an opportunity to read it. What was his duty, Mr. President? Was it to take a position of stubborn pride, and to say, "I will not go there until Senator McCarran's committee gets through"? Or was it his duty to go there and investigate conditions for himself, at least to clean up the filth of which the patients at that hospital were the victims. But that was not done.

Now, Mr. President, I wish to call attention briefly to a few things which came up in the hearing and in the investigation. First of all, I wish to call the attention of the Senate to the recommendations of your committee, when it finished its investigation. They read in part as follows:

We recommend the immediate removal of Commissioner Guy Mason, because of his complete failure to perform the duties of his job in supervising Gallinger Municipal Hospital.

We recommend the removal of Dr. George C. Ruhland, because of his failure as Health Officer of the District to know and prevent a continuance of the condition described in this report as existing at Gallinger Municipal Hospital.

We recommend the removal of Supt. Dr. Edgar A. Bocock. This investigation has convinced your committee that he is unsuited to the job of superintending an institution as large and varied as Gallinger Municipal Hospital.

We recommend the removal of Dr. Joseph L. Gilbert, because he has not displayed an attitude of sympathetic understanding for the patients coming within his jurisdiction and seems to your committee temperamentally unfitted for the position he now holds.

We recommend the dismissal of Dr. Charles P. Cake, in charge of the tubercular ward, because he has permitted an atmosphere of callousness, indifference, and neglect of patients to pervade that ward.

On the basis of that recommendation, Dr. Bocock, superintendent of the hospital, and Dr. Cake, the head of the tubercular ward, resigned. Your committee recommended the dismissal of three other men, Mason, Ruhland, and Gilbert. All of them are still in office. All of them are still functioning in Gallinger Hospital; and, so far as I know, the conditions we pointed out are still existing.

The Comptroller's report, supported by the findings of investigators from the District of Columbia Government—from the Health Department, I believe—referred to the irregularities, let us say, of Dr. Bocock, who now has resigned, and is no longer in the picture. I wish to say in defense of the committee, Mr. President, that during the course of the investigation we received many letters from persons in Washington telling us what a wonderfully fine man Dr. Bocock was. I have no quarrel with anyone in the

city of Washington about the doctor; he may be all they say he is. But I have in my file at this moment a letter from the president of the University of Colorado, who stated to me in the letter that Dr. Bocock was dismissed from his position in one of their hospitals in connection with the university because of irregularities in his conduct of that institution. That letter was not placed in the hearings at the time your committee made its report, because we did not then have that statement from the University of Colorado.

I wish to call the attention of the Senate to the statements of half a dozen witnesses who testified before your committee. There were repeated witnesses who testified to seeing the employees, from the superintendent down, carry away food and other articles belonging to the United States Government from Gallinger Hospital while they worked there. At least three or four of those persons were still working there the last I knew of it, months after the discovery of their irregularities.

Eliza Smith testified:

I worked at Gallinger Hospital between 1930 and 1940. Part of my work was taking care of Dr. Bocock's private car. I wash it every Wednesday and wax it about once a month. About two times each month while I was washing Dr. Bocock's car, an employee, a white man, brought a container of motor oil and put it in the engine of Dr. Bocock's car.

Another of the employees built a basement, a concrete floor, and a number of other improvements at Dr. Bocock's home out of hospital property, and used hospital trucks and hospital employees to do the work.

Another one outfitted a motor boat or launch, on the river, out of hospital property.

All those facts were reported by the Comptroller's office; and because of that report Commissioner Mason knew they existed, but he did not take any action whatever about them.

Another case is that of a witness, a young woman, whose name appears in the records and in the testimony. She appeared before our committee, and testified. She works in the District of Columbia. She said she had taken an overdose of headache tablets. Her landlady reported the case to the police. The police carried her to Gallinger Hospital. She was placed in the psychopathic ward, and was held there for a week. There was nothing the matter with her except something which happens to many persons. But when she reached there she had her clothing removed. She was placed in solitary confinement in a cell or room without furniture, without toilet facilities, and on a concrete floor, and kept there overnight. The next day she was put into a bathtub and tied in by her hands and her ankles. Sheets in the form of a cord or rope were rolled around her neck to keep her in the tub. She was kept in that position for a large part of the day and night, without permission to go to the toilet, and without the strain upon her being eased in any way.

The doctors in charge of the hospital knew the condition of this young woman. They knew how she was being treated, and they did nothing about it. Mr. President, the record is full of cases of patients in Gallinger Hospital being beaten and choked by orderlies and other help at the hospital. One man was choked into unconsciousness, and when he regained consciousness he found himself strapped down, hand and foot, and was kept in that condition for more than a day. Another man was tied in the bathtub with a sheet twisted around his neck. He asked for permission to go to the toilet and permission was refused him. He was told to "Go ahead and let your bowels move in the bathtub." That is in the testimony.

Mr. President, I do not charge that Commissioner Mason is responsible for the brutality, neglect, or ill treatment which may be accorded to patients at Gallinger Hospital; but such conditions are shown to have existed for a long time. If Commissioner Mason had been on the job he would have known about such conditions at the hospital and would have tried to prevent them. If he had been on the job some word of the situation would occasionally have come to him.

Dr. Gilbert, who is head of the psychopathic ward, has testified that he knows that the practice of tying down patients by the hands and feet is not practiced in up-to-date hospitals or psychopathic wards, but that he had to do it because he did not have enough room to treat patients properly. The entire testimony shows a complete disregard of the humanities on the part of the doctors and attendants involved.

Mr. President, Commissioner Mason did nothing to alleviate the situation to which I have referred, although he had exclusive jurisdiction over the hospital and had to take care of it. Yet, when we asked him to come before our committee and tell us what the situation was with reference to conditions in the hospital, he refused to testify and said that he wanted the record to show that he had refused to testify and would not talk until the investigation had been completed. In other words, Commissioner Mason showed a complete disregard of the amenities which we thought the situation called for. He showed a callous disregard, if you please, not only of the patients in the hospital but of the United States Senate as well. I believe that in every step of this proceeding Commissioner Mason has shown himself unfitted in every way, shape, and manner to hold his position. We felt sure—and that is the only reason I am bringing the matter before the Senate this afternoon—that Senators who are not members of the subcommittee have not had time to read the testimony and reports and familiarize themselves with Commissioner Mason's record. I have felt sure, for the same reasons, that the President would not have reappointed Mr. Mason had he had the record of Commissioner Mason brought to his attention.

Therefore, Mr. President, I object to the confirmation of the nomination of Mr. Mason as Commissioner of the Dis-

trict of Columbia, and I hope that in the face of the record of Mr. Mason's conduct of his office, Members of the Senate will deny him the confirmation for which the President has asked.

Mr. BURTON. Mr. President, as a member of the Committee on the District of Columbia, although not a member of the subcommittee which investigated the Gallinger Hospital, I wish to join in the statement which has been made by the Senator from South Dakota.

I am impressed by his remark that the Senate and the other House owe a peculiar duty to the District of Columbia. The people of the District of Columbia elect no officials whatever. The question is not one of removal from office, but it is a question of whether we will confirm the nomination for reappointment of an officer who is responsible for the conditions described by the Senator from South Dakota, which conditions have existed during his term of office.

The conditions at Gallinger Hospital were investigated by men of extraordinary ability. The Senator from Nevada [Mr. McCARRAN], who was at that time chairman of the Committee on the District of Columbia, appointed the Senator from South Dakota, who has served as Governor of the State of South Dakota, the Senator from Delaware [Mr. BUCK], who I believe was the only one ever to serve two terms as Governor of his State, and the Senator from Oregon [Mr. HOLMAN], who had served as a member of the board of commissioners of an institution in Oregon similar in character to that of Gallinger Hospital.

The members of the subcommittee held hearings, and were unanimously in favor of the removal of the officers of Gallinger Hospital. They also joined in an unanimous recommendation that Commissioner Mason be not continued as one of the three Commissioners of the District of Columbia. There was no way by which such suggestion could be carried out at that time, and no action was taken by the full committee on the recommendation.

In the discussions held before the committee it was pointed out that the matter of reappointment of Commissioner Mason would come up for confirmation before the Senate in due course, and that if the President should reappoint Commissioner Mason to his present position it would then be appropriate to call the attention of the Senate to the matters which had come before the subcommittee, which resulted in the unanimous recommendation of the subcommittee against the reappointment of Commissioner Mason.

The Senator from Nevada [Mr. McCARRAN], who had previously served as a member of, and finally as chief justice of, the Supreme Court of the State of Nevada, joined vigorously in the recommendation that Mr. Mason be not continued in his office. I quote from a statement made on September 20, 1944, by the Senator from Nevada:

When the renomination of Commissioner Mason comes before the Senate I shall make it a point, if I am then a Member of this body, to be present, and to oppose with all my strength confirmation of the nomination of Mr. Mason. My reason for that attitude is Mr. Mason's conduct before the Committee on

the District of Columbia when he practically scoffed at the idea of giving any statement, explanatory or otherwise, pertaining to a public institution over which he had control.

The Senator from Nevada cannot be present today, and I feel obligated to invite the attention of the Senate to the position which he took upon the date to which I have referred, in view of his public life and his service as chairman of the Committee on the District of Columbia.

I wish also to mention the fact that service on the Committee of the District of Columbia is not an easy service. When a subcommittee such as this is called upon to make an investigation, and after it does so arrives at the unanimous opinion that conditions should be changed, and recommends changes in the officers responsible for such conditions, the Senate owes at least a duty to the subcommittee to support its recommendations. It seems to me that otherwise the Senate would not be carrying out its obligation to the public and to this community.

The Senate as a whole cannot make such investigations as the one which is made by the subcommittee. I believe that when we are confronted with a situation such as the one which has been described, there is only one remedy to pursue, and that is to remove the appointive officers and put others in their places, or, if it is a matter of election, to elect someone else to succeed him when his term ends.

We have that responsibility today. The people of the District of Columbia cannot act for themselves. The Senate itself is not in a position to investigate fully. Our subcommittee has reported, and it has recommended, and therefore I wish to join in the report of the Senator from South Dakota [Mr. BUSHFIELD], and oppose the confirmation of this appointment.

In order that the Senate may have before it the substance of the testimony which Mr. Mason gave before the subcommittee, I wish to read the testimony. It is as follows:

Senator BUSHFIELD. Did you make any attempt yourself to investigate the charges made by the Comptroller General?

Mr. MASON. I did not, and advised against our doing so until the district attorney had finished.

Senator BUSHFIELD. Well, the presence of dirt or filth in Gallinger would not necessarily come under the district attorney.

Mr. MASON. That was not a part of the Comptroller General's report.

Senator BUSHFIELD. I beg to differ with you, Mr. Mason; it is very definitely in there.

You have heard these various witnesses this week?

Mr. MASON. I have.

Senator BUSHFIELD. Testify about the dirt our there?

Mr. MASON. I have, and I have no comment to make until the hearing is over and until the district attorney has passed on it.

Senator BUSHFIELD. Then you decline to make any statement?

Mr. MASON. I decline to make any statement about it.

Senator BUSHFIELD (to the official reporter). You have that in the record, have you?

OFFICIAL REPORTER. Yes, Senator BUSHFIELD.

Mr. MASON. Please do.

Senator BUSHFIELD. When did you go to Gallinger last?

Mr. MASON. Well, I think I went out with a newspaperman in August of this year.

The hearing being in the latter part of September.

Senator BUSHFIELD. That was the last time you have been there?

Mr. MASON. Yes, sir.

Senator BUSHFIELD. And you knew that there were charges being made by patients and by former patients and by some former employees as to the sanitary conditions out there, did you not?

Mr. MASON. I did not.

Senator BUSHFIELD. When did you first learn of it?

Mr. MASON. Newspaper accounts in September, after they had been submitted to Senator McCARRAN.

Senator BUSHFIELD. But you have not been out there since you learned of it?

Mr. MASON. No, sir.

Senator BUSHFIELD. Why not?

Mr. MASON. Because we got the report in July from the Comptroller General's Office, and the minute that Senator McCARRAN got the report he determined on a public hearing, and we thought we would wait and let the hearing develop.

Senator BUSHFIELD. And now you decline—

Mr. MASON (interposing). And we are going to wait on that.

Senator BUSHFIELD. Do you want the people of this city to understand that is your attitude?

Mr. MASON. Definitely.

Senator BUSHFIELD. And that you decline to talk about it?

Mr. MASON. I definitely want that understanding about it.

Senator BUCK. You had the report how long?

Mr. MASON. Four days when it was transmitted to the district attorney.

Senator BUCK. And how long before Senator McCARRAN got it?

Mr. MASON. Senator McCARRAN got his report sometime in September; I don't know when. We are waiting on the United States attorney now for his report.

Senator BUSHFIELD. Well, he does not have anything to do with the cleanliness out there; does he?

Mr. MASON. He has nothing to do with it except what is in his report. We did not get the report on the cleanliness until it appeared in the newspapers. That was our first intimation after it had been submitted to Senator McCARRAN.

Senator BUSHFIELD. That is your primary responsibility?

Mr. MASON. Not necessarily.

Senator BUSHFIELD. You are the Commissioner in charge of that hospital?

Mr. MASON. All right.

Senator BUSHFIELD. You have made no effort to ascertain sanitary conditions there since these charges were made?

Mr. MASON. Because it was already exposed in the newspapers and in the hands of this committee, and I knew the committee would make an investigation, because it had been ordered, and I did not want to interfere with this committee's functions in any way or to make any attempt to correct things so that it might be said it was being covered up.

Senator BUSHFIELD. And you know what the sanitary conditions are?

Mr. MASON. I do; from this testimony and from our own inspectors; and when this investigation is completed we will take all action requisite under the circumstances.

Senator BUSHFIELD. Well, I guess that is the end of the road, Senator; the man declines to talk.

Have you any questions?

Senator BUCK. I might ask Mr. Mason why he declines to talk.

Mr. MASON. Because I am not going to interfere with your investigation and come back and be charged with trying to cover up stuff. I know what these investigations are; I have been around here for 40 years.

Senator BUCK. You have the advantage of us; we have just come to Washington.

Mr. MASON. They get an investigation in July and recommend something, and then the next July we go to the Appropriation Committee and we don't get what we ask for.

Mr. President, I may say in closing that so far as the complaint goes, the appropriations asked for were granted. Investigation shows that the appropriations provided by the Congress were almost precisely what were asked for and approved by the Budget and referred to the Committee on Appropriations.

I believe that under these circumstances, we owe a duty to the people of the District of Columbia not to confirm the nomination.

Mr. CAPPER. Mr. President, I shall not attempt to fix the blame for conditions at Gallinger Hospital, but it is well to keep in mind that some 73 or 74 citizens' associations of the District of Columbia have spoken in favor of continuing Commissioner Mason in his position. The citizens' associations represent a very strong and influential group of the people of the District. In fact, I think they come more nearly representing the wishes of the people of the District of Columbia than any other group in this city.

It is well to keep in mind that the newspapers here have covered this subject very thoroughly, have printed full and complete reports of the investigations at Gallinger Hospital, and every newspaper in the city has committed itself editorially, even in the last few days, to the support of Mr. Mason for reappointment to the position he is now filling. While they are not attempting to defend everything that has been going on at Gallinger Hospital, they do not seem disposed to blame Commissioner Mason for the condition.

I find a short editorial in the Washington Post, printed within the last day or two, which says:

Thirty-two civic organizations have endorsed the Commissioner for a second term. Only one letter received by the committee expresses opposition. This is indeed phenomenal backing for any public servant. So it can be said without any chance of error that Commissioner Mason is the choice of the people of Washington for the position to which he has been nominated.

A similar editorial appeared only a few days ago in the Washington Evening Star. In fact, every newspaper in Washington, since the investigation of Gallinger Hospital which was conducted by the committee, has urged that Commissioner Mason be reappointed.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. CAPPER. I yield.

Mr. HATCH. I was sitting quite a distance from the Senator when he referred to the citizens' associations. I think he referred to some 70 of them?

Mr. CAPPER. Approximately 70 of the citizens' associations of the District of Columbia have gone on record on this subject.

Mr. HATCH. In favor of retaining Commissioner Mason?

Mr. CAPPER. Yes. I myself have received resolutions adopted by over 35 of the citizens' associations, but I am told that about 70 of them have endorsed Commissioner Mason.

Mr. HATCH. Were any of the associations opposed to his confirmation?

Mr. CAPPER. There is no record of a single association opposing Commissioner Mason's reappointment.

Mr. HATCH. I thank the Senator.

Mr. BILBO. Mr. President, as the present chairman of the Committee on the District of Columbia I presume it is expected that I should have something to say in response to the observations made by my colleagues the Senator from Ohio [Mr. BURTON] and the Senator from South Dakota [Mr. BUSHFIELD].

The investigation of Gallinger Hospital took place during the administration of the Senator from Nevada [Mr. McCARRAN] as chairman of the Committee on the District of Columbia. While I was then a member of the committee, I had nothing to do with and had no connection with that investigation, and I am not in a position to defend the officials in charge of Gallinger Hospital. In fact, I have a suspicion that just criticism could probably be leveled against all the hospitals in the District of Columbia, especially those which are financed by the Congress, because under present conditions, by reason of the increased cost of supplies and scarcity of labor, it has been a very difficult matter for any of these institutions to function properly. That is especially due to the inadequacy of labor and the inefficiency of labor they are forced to accept at the present time.

However, I am not speaking in defense of the hospitals of Washington. I am joint author with the Senator from Maryland [Mr. TYDINGS] of a bill which we have introduced which would provide for the building for the Nation's Capital of a medical center with 2,000 or 3,000 beds. If there is anything the District needs it is a real medical hospital or center with which all other institutions shall be synchronized or connected and regulated. The people are really in need of this kind of medical center or medical hospital. Of course the Navy Hospital is one of the best in the Nation, but it is not open to the public. I feel sorry for anyone in the District who has to go to the average hospital, especially some of those which are supported by appropriation made by Congress.

Mr. President, I shall say in passing in defense of Dr. Bocock, whom the subcommittee of the Committee on the District of Columbia asked to have removed after it had made an investigation during the administration of the Senator from Nevada of the affairs of the District of Columbia, that Dr. Bocock has been, I think, exonerated in that he was immediately elected director of the Medical Center of Washington, which comprises, among other medical activities, Doctors' Hospital, the outstanding hospital in the city of Washington.

As to the other employees of Gallinger Hospital whom the subcommittee rec-

commended be removed, I do not know anything about their status, and indeed I do not know anything about the character of the testimony which was adduced before the subcommittee. It has been charged that the testimony was not the best in the world, but I am not here to defend those who had charge of Gallinger Hospital, except to say this: As the Senator from Kansas [Mr. CAPPER] has said, practically all the civic organizations which always speak for the best interests, or try to speak for the best interests, of the District of Columbia, have unanimously endorsed the reappointment of Mr. Mason, and I am sure the President had sufficient information concerning the investigation and all that had taken place in the District when he made the selection, and reappointed Mr. Mason to be Commissioner.

When I returned to Washington this fall I appointed a subcommittee of the District of Columbia to make an investigation for the full committee, and on the subcommittee were the Senator from Kansas [Mr. CAPPER], the Senator from New Jersey [Mr. WALSH], and the Senator from Maryland [Mr. TYDINGS]. The subcommittee held a meeting and after full discussion I understand the subcommittee decided that Mr. Mason should be endorsed, and they endorsed him unanimously.

Mr. BUSHFIELD. Mr. President, will the Senator yield?

Mr. BILBO. I am glad to yield.

Mr. BUSHFIELD. I should like to ask the Senator whether the citizens' associations, concerning which he speaks and concerning which the Senator from Kansas spoke, read or had occasion to know the contents of the report which was made by the subcommittee concerning Gallinger Hospital and Commissioner Mason.

Mr. BILBO. I do not know whether they read the report or not, but I have a suspicion that they obtained the worst side of the situation through the local press in Washington, because I think the matter was played up by some of the newspapers of Washington very freely at the time the investigation was in progress. It was a rather nasty story at the time, and I think it was played up by the newspapers of Washington. I think the people of Washington were fully advised of what was said, and who said it, and I think the people of Washington took into account the sources from which the statements emanated, more than anything else, in coming to their determination of the subject, and disagreeing with the recommendations of the subcommittee.

Mr. BUSHFIELD. Will the Senator yield?

Mr. BILBO. I yield.

Mr. BUSHFIELD. If we can judge at all by the hundreds of letters which are in my file protesting the conditions at Gallinger and protesting against the Commissioner, the Senator might not think that the people of Washington turned down the report.

Mr. BILBO. At any rate, all the civic organizations of Washington have endorsed Mr. Mason, and the full Committee of the District of Columbia, as now

composed, has favorably reported the nomination. I say the "full committee." The committee met the other day and reported the nomination unanimously. However, I will say, in justice to the Senator from Ohio [Mr. BURTON] and the Senator from South Dakota [Mr. BUSHFIELD], that neither Senator was present.

Mr. BUSHFIELD. Mr. President, will the Senator again yield?

Mr. BILBO. I yield.

Mr. BUSHFIELD. In justice to myself and the Senator from Ohio, I wish to say to the Senate that I arrived about 10 minutes late for the committee meeting in answer to a notice of the secretary of the committee, I presume, stating what would be taken up at that meeting. No word of the Mason appointment was mentioned in that notice; and after the adjournment of the committee I asked the distinguished chairman, the Senator from Mississippi [Mr. BILBO], whether or not he was going to bring up the Mason appointment, and he said "No." As a matter of fact, the committee had already acted upon it when that answer was made.

Mr. BILBO. I wish to say that I explained that to the Senator from South Dakota today. I would have been a fool to say "no" when the matter had already been passed on by the committee at that meeting, and it was done publicly. When the committee met on this occasion, the first matter we took up was the question of the confirmation of Mr. Mason, and there was no objection from anyone. It was not a partisan question at all. The action was unanimous. However, I will say that the Senator from Ohio and the Senator from South Dakota were not present at the time. They arrived late; and the Mason confirmation being the first matter on the calendar, they were not present when it was taken up.

Now, as to the notice that was sent out. It was prepared by the clerk of the committee, Mr. Terry. I told him to specify the bills or the legislation which the committee was going to pass on. Information as to the Mason appointment had been in the press and everyone knew that we were going to act on it.

Mr. BUSHFIELD. There were only three members of the committee present when the chairman called this matter up, were there not?

Mr. BILBO. Three members?

Mr. BUSHFIELD. Yes.

Mr. BILBO. I do not remember. However, I had the proxies of eight members of the committee to report Mr. Mason's nomination favorably.

Mr. BUSHFIELD. The Senator stated at that time that he held eight proxies in his pocket, and there were three Senators present.

Mr. BILBO. So far as the Mason matter was concerned, there was a presence of eight members of the committee on that question, because I held eight affirmative proxies for the nomination of Mr. Mason. Both Democratic members and Republican members of the committee joined in recommending the confirmation of Mr. Mason's nomination.

Mr. BURTON. Mr. President, will the Senator yield?

Mr. BILBO. I yield.

Mr. BURTON. I am rising solely because the Senator mentioned my name in connection with the meeting. I have the most cordial relations with the Senator from Mississippi. We room side by side in the Senate Office Building, and often see each other in connection with District of Columbia matters. But as to the meeting of the subcommittee of the District of Columbia which heard the question of confirmation, I will say that I received no notice of that meeting of the subcommittee, and therefore was not present at the meeting. I did receive notice on the evening before the meeting of the District of Columbia full committee that there would be a meeting the next morning at 10 o'clock. I already had a conflicting meeting at 10 o'clock for that same morning in another committee, and I therefore asked the Senator from South Dakota [Mr. BUSHFIELD] to act as my proxy at the District of Columbia meeting at 10 a. m. I was unable to be there in person, but I think the Senator from Mississippi knew my views on this matter in any event.

Mr. BILBO. I am very sorry that the Senator from South Dakota was given a proxy which he did not have opportunity to vote on this occasion. However, it would not have had any effect, because we had enough votes favorably to report the nomination.

Mr. President, I wish to make this statement of policy. Something has been said about delaying the confirmation of Mr. Mason because of the absence of the Senator from Nevada [Mr. McCARRAN]. The Senator from Nevada has telegraphed—

Mr. BUSHFIELD. Will the Senator yield for a question?

Mr. BILBO. Yes.

Mr. BUSHFIELD. Would the chairman of the committee be willing to put this matter over until the Senator from Nevada returns, which will be on the 6th of December?

Mr. BILBO. That is the point I was coming to.

Mr. BUSHFIELD. I beg the Senator's pardon.

Mr. BILBO. My feeling about this matter is that in legislation or in matters of this character, whenever one of my colleagues is absent because of illness, or attending to official business, and the request is made to me to postpone action on a matter, I would most certainly do so as a matter of courtesy to my colleague. But in this case the Senator from Nevada has telegraphed Mr. Biddle, secretary to the majority, merely requesting that he be recorded as voting against the nomination. He did not ask that it be delayed.

I agree with the press of the city that this matter has been hanging fire long enough, and ought now to be acted upon.

Mr. WHITE. Mr. President, will the Senator yield for a question?

Mr. BILBO. I yield.

Mr. WHITE. The Senator has referred to the vote reporting this nomination favorably to the Senate. How many votes were cast in the affirmative?

Mr. BILBO. In the committee?

Mr. WHITE. Yes.

Mr. BILBO. Eight or nine.

Mr. WHITE. How many of them were proxy votes?

Mr. BILBO. I had eight proxies. Of course, some of the members were present.

Mr. WHITE. Did the Senator vote the proxies in favor of the nomination?

Mr. BILBO. Certainly.

Mr. WHITE. Did they constitute a majority of the votes reporting the nomination to the Senate?

Mr. BILBO. Yes. There were about eight or nine votes for confirmation. So far as I have been able to determine, only three members of the committee are opposed to the nomination, namely, the Senator from South Dakota [Mr. BUSHFIELD], the Senator from Ohio [Mr. BURTON], and the Senator from Nevada [Mr. McCARRAN]. I know of no others.

Mr. WHITE. Mr. President, I should like to say a word about this nomination. On last Friday I asked that the nomination go over. Following that I stated to certain Senators that I had no objection to the confirmation of the nomination, that I knew something of Mr. Mason and believed that he had a good reputation in the community. I believe I intimated rather definitely that I expected to vote for his confirmation. But, Mr. President, the situation presented today affects my mind on the question very substantially. In the first place, let me state my opinion that expressions by the newspapers of this community, and by civic bodies, are not very determinative or persuasive with me. Responsibility for what the Senate does rests on Senators. It is not the obligation of community bodies of one sort or another. So I brush all that aside as having little relevancy at this time.

I should like to vote for the confirmation of Mr. Mason's nomination; but unless the story which has been told here this afternoon by the Senator from South Dakota and the Senator from Ohio is traversed in direct terms, and unless I am persuaded that the facts are not as they have been stated this afternoon on the floor of the Senate, I cannot vote for confirmation of the nomination.

I am somewhat a partisan. I always like to see the majority side stand by its President in connection with nominations as well as other matters. By and large, I proceed on the theory that the responsibility for nominations is the responsibility of the Executive, and except in extraordinary circumstances I am not prepared to substitute my judgment as to an appointment for that of the President of the United States. But the charges which have been brought in the Senate Chamber are serious, and if they stand uncontradicted I cannot vote for the nomination.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to this nomination?

Mr. BUSHFIELD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. HILL. Mr. President, will the Senator withhold for a moment his suggestion of the absence of a quorum?

Mr. BUSHFIELD. Certainly.

Mr. HILL. I wonder if we can obtain an agreement to vote tomorrow on this

nomination. It is now nearly half-past 4. Many Senators have left the Chamber to attend to business in their offices. Could we not agree on some time tomorrow to vote?

Mr. BUSHFIELD. I think so.

Mr. HILL. Would it be agreeable to the Senator to vote tomorrow at not later than 12:30 p. m.

Mr. BUSHFIELD. No; that is too early.

Mr. HILL. Does the Senator desire further debate?

Mr. BUSHFIELD. What will be the business tomorrow?

Mr. HILL. The business tomorrow, of course, will be further consideration of the flood-control bill. We might have an executive session tomorrow afternoon about 4 o'clock, and vote tomorrow afternoon.

Mr. BUSHFIELD. I wish to call attention to what I have already said, and to have as many Senators present as possible.

Mr. HILL. How much time would the Senator like to have?

Mr. BUSHFIELD. Why could we not have an executive session at 1 o'clock instead of four?

Mr. HILL. Would the Senator agree to vote not later than 1 o'clock tomorrow?

Mr. WHITE. Mr. President, what was the suggestion?

Mr. BUSHFIELD. I suggested to the Senator that we have an executive session not later than 1 o'clock, instead of at 4.

Mr. WHITE. But the Senator did not mean to agree to vote not later than 1 o'clock, did he?

Mr. BUSHFIELD. No; I did not so intend.

Mr. WHITE. The Senator's suggestion was that the executive session should begin at 1 o'clock, was it not?

Mr. BUSHFIELD. Yes.

Mr. HILL. Does the Senator mean an executive session beginning at 1 o'clock, and continuing perhaps all afternoon?

Mr. BUSHFIELD. If it should require that long.

Mr. HILL. The Senate is now in executive session.

Mr. BUSHFIELD. That is true.

Mr. HILL. The Senate could take a recess at this time, in executive session, until 12 o'clock noon tomorrow, at which time we would continue to be in executive session, and proceed with the consideration of this nomination. That might be agreeable if we could agree to have some limitation of debate, and vote at a reasonable time.

Mr. BUSHFIELD. Mr. President, I do not think it would be a fair disposition of the case to limit the period of debate, because it will be absolutely necessary for me to point out again what I believe to be the essential points in the Mason case; so I should not wish to be limited to 15, 20, or 30 minutes.

Mr. HILL. Would not the Senator be willing to agree to a reasonable limitation?

Mr. BUSHFIELD. Yes.

Mr. HILL. What would the Senator suggest?

Mr. BUSHFIELD. I suggest that the Senate meet tomorrow at a time agree-

able to the Senator. If he wishes to meet at 12:30—

Mr. HILL. Of course, the Senate will meet at 12 o'clock noon tomorrow. The Senate is now in executive session. If we were to take a recess in executive session, it would mean that tomorrow we would proceed with the consideration of the pending executive business at 12 o'clock noon, the pending business being the Mason nomination. I should like, if possible, to have a time set when we may vote on this nomination.

Mr. WHITE. Mr. President, would it be agreeable to the Senator to meet at 12 o'clock, with the understanding that the vote be taken not later than 2 o'clock?

Mr. BUSHFIELD. That is agreeable to me.

Mr. WHITE. We could vote as much earlier as the circumstances might permit.

Mr. HILL. As I understand, the suggestion is that we vote not later than 2 o'clock.

Mr. WHITE. Yes.

Mr. HILL. Mr. President, I ask that when the Senate takes a recess today, it takes a recess in executive session, to continue tomorrow at 12 o'clock with the consideration of the nomination of Mr. Mason to be District Commissioner, and that the vote on the nomination be taken not later than 2 o'clock.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alabama? The Chair hears none, and it is so ordered.

The clerk will state the next nomination on the Executive Calendar.

DEPARTMENT OF THE INTERIOR REGISTER OF LAND OFFICE

The legislative clerk read the nomination of Richard McElligott, to be register of the Land Office at Roseburg, Ore.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

THE ARMY

The legislative clerk proceeded to read sundry nominations in the Army.

Mr. GURNEY. Mr. President, it is my purpose possibly to ask that the Army nominations be recommitted to the Committee on Military Affairs. My reason for doing so is that the entire list presented by the Chief of Staff is not before the Senate at this time. That is one reason. I have other reasons, but rather than delay the Senate in recessing this evening, I shall forego a detailed discussion of the other reasons.

I do not believe there will be any contradiction of the statement that personally I am one of the firmest believers in the ability of the Chief of Staff and the General Staff of our Army. That belief includes complete confidence that they are able to pick and choose which officers shall be promoted.

I try to be a rather consistent member of the Committee on Military Affairs, and I try to attend every scheduled meeting of the committee. Because, as I have said, I have not had full notice of any objection to the nomination of any officer suggested for promotion by the President, meaning the Chief of Staff, I do not see why the entire list

of nominations is not before us at this moment. Therefore, I move that the list of nominations for promotions in the Army, now before the Senate, be recommended to the Committee on Military Affairs for further consideration.

Mr. CHANDLER. Mr. President, I would have no objection to that course, but I wish to relate to the Senate the circumstances. In the Committee on Military Affairs we have a Subcommittee on Nominations. The other day, when the full committee met, some members expressed a desire for haste in having nominations confirmed. One of the Senators who wanted haste was the Senator from South Dakota. I did not want haste because Senators on both sides of the aisle had spoken to me objecting to methods in respect to the handling of nominations in the Army and the refusal to give consideration to officers whom they thought were entitled to promotion. In the presence of the Senator from South Dakota I was asked whether there was any objection to the confirmation of nominations of officers serving overseas. I promptly replied that there was none, so far as I knew. Then I believe the Senator from South Dakota left the room, and there were only two of us remaining in the room—the Senator from North Carolina [Mr. REYNOLDS], who is chairman of the committee, and myself.

Having asked about the promotion of all the officers whose names were on the list, I thought there would be no objection to the confirmation of the nominations of approximately half or two-thirds of the officers whose names were on the list because all of them were serving overseas, and I did not think there would be any real objection to the promotion of officers who are actually in combat service. So that is the reason why their nominations are here.

The ones omitted from the list on the calendar are those of officers who are not serving overseas. If any Senator wishes to delay the promotion of an officer who is serving overseas, that is his privilege. Personally, I do not wish to do so.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. CHANDLER. I yield.

Mr. GURNEY. I am that Senator.

Mr. CHANDLER. The Senator may have their nominations sent back to the committee, if he wishes to do so. But that would only result in our bringing them back here, for later we would report both the nominations of those serving overseas and the nominations of those serving in this country. If the Senator wishes to do that, he is at liberty to do so, but not with my approval.

Mr. HILL. Mr. President, I hope the Senator from South Dakota will not ask this afternoon that these nominations go back to the committee. If he does not wish to have the Senate act at this time on the nominations, or if he wishes to consider the matter further, I wonder if he will simply ask to have the nominations go over. If the nominations are sent back to the committee, it might not be understood why that was done.

Mr. GURNEY. I would be very careful to tell the committee my complete

reasons for asking that the nominations be sent back to it. In fact, I would be very glad to tell the entire Senate.

Mr. HILL. I understand there will be no meeting of the committee tomorrow, certainly not a meeting to consider these nominations.

Mr. GURNEY. There will be a meeting of the committee, as the Senator knows, of course.

Mr. HILL. But that will only be to consider the nominations of persons nominated to be members of the Surplus Property Board.

I would be perfectly willing to have the nominations go over until tomorrow or a later date provided that I be notified in advance and be given an opportunity to be on the floor of the Senate when the nominations come up for confirmation.

Mr. CHANDLER. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. CHANDLER. If the Senator from South Dakota wishes to delay action on the nominations, I wish to ask that they remain in their present place until I come back to the Senate, which will be on Friday. As the Senator from Alabama knows, because of the death of one of my closest friends, Major Burman, I must leave Washington, for I am to be a pall-bearer at his funeral.

If the Senator from South Dakota wishes to have the matter handled without delay, I have no objection, for I am ready to vote on these nominations now. But if the Senator wishes to have action on these nominations postponed until he can get the other nominations out of the committee, I do not think he will be able to do so without delay. If he wishes to have delay in acting on the nominations, that is his privilege.

Mr. GURNEY. Mr. President, in order to inform the Senate, I believe it is mandatory on my part to relate the happenings which resulted in having these nominations on the calendar this afternoon.

In the first place, I am a member of the subcommittee of the Committee on Military Affairs which considered the nominations. We have not had a meeting of that subcommittee.

Secondly, on Friday of last week, when other matters and promotions on the list were on the table in the Committee on Military Affairs, we considered the other matters. We adjourned without considering the promotions which were on the table. So the full list has not been considered, so far as I know, by any meeting of the Committee on Military Affairs. The meeting adjourned, and all of us left the room, and no action was taken on the nominations on the list.

Mr. CHANDLER. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. CHANDLER. That is precisely true, and I had not called a meeting of the subcommittee. I had not intended to call a meeting of the subcommittee until, as I explained, generals, who tramp up to the Capitol to talk to Senators, could talk to Senators about matters in which they are interested. One such Senator is my distinguished friend, the Senator from Maine, and there are

other Senators who asked. So I had not intended to call a meeting, and no meeting was called. If a meeting had been called, I would have given notice to the Senator from South Dakota.

But in his presence and in the presence of the chairman of the committee, Colonel Watt, who is our aide, entered the room and said, "Have you any objection to the confirmation of nominations of officers serving overseas who are to be promoted?"

I said I had none.

Mr. GURNEY. Mr. President, I refuse to yield further, because I must state that I was not present when Colonel Watt entered the room.

Now I will yield further.

Mr. CHANDLER. I am sorry. Did not the Senator tell me he had no objection to the confirmation of the entire list of nominations?

Mr. GURNEY. That is correct.

Mr. CHANDLER. Then it is obvious that the Senator was present at a part of the meeting. If he was not present at the time when Colonel Watt entered the room, I am mistaken.

However, then the Senator from South Dakota left the room. Then the chairman of the committee and Colonel Watt said, "Why not go on and promote the ones who are overseas?"

I said, "I have no objection, but I do not want to do it now if other Senators have objection."

Mr. GURNEY. The Senator admits that not more than two Senators were then in the room.

Mr. CHANDLER. The Senator from South Dakota was in the room just before that time, and he said he had no objection to the entire list of nominations. So I judged that the Senator had no objection.

Mr. GURNEY. Mr. President, I refuse to yield further.

Mr. CHANDLER. Well, Mr. President, the Senator asked me a question, but now he will not permit me to answer it.

Mr. GURNEY. Mr. President, the entire list of nominations was not considered by the subcommittee or the full committee in a regularly scheduled meeting. It is my firm belief that every officer on that list is a member of the team which is the Army of the United States. It is my firm belief that officers who happen to have the misfortune of being told to serve in the United States are just as much members of that team as if they were overseas. It is a team, and I intend so to conduct myself that I shall not differentiate between domestic service and overseas service. The officers who are up for promotion and who happen to be overseas would be the first ones to say that service in the War Department, in the Pentagon Building, is just as important as is overseas service. The men who are overseas are the fortunate ones. Men who are stationed in the United States in Uncle Sam's Army would give their right arms to be given duty overseas.

I make the statement to the Senators now on the floor that there is no objection to the nomination of any officer on the entire list. None has been presented

to the subcommittee; none has been presented to the full committee. The only objection to the list is that there are not on it the names of officers whom some persons wish to have promoted.

Therefore, Mr. President, I believe it is entirely fair that the full list of names be considered and that not merely a part of the list be considered. Unless we may be sure that the Military Affairs Committee, at a meeting of which all members are given notice that motions will be handled, is to be given another opportunity to examine the list, I am sure the nominations should not be confirmed tonight or tomorrow. Therefore I ask that consideration of the nominations go over, or be recommitted to the Committee on Military Affairs.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. ELLENDER. Who is responsible for not having the whole list before the committee?

Mr. GURNEY. So far as I know, the full committee has not had an opportunity to have the full list because the subcommittee has not met and reported to the full committee. I should like to be corrected about that if I have not stated the situation correctly.

Mr. ELLENDER. Are we to understand that the War Department has sent a certain list of names of officers to be promoted, and that the Military Affairs Committee has seen fit not to report the entire list?

Mr. GURNEY. The committee has reported only a part of the list, namely, that part relating to the names of officers who are now serving overseas. The committee deleted from the list the names of officers who are at present stationed in the United States.

Mr. CHANDLER. Mr. President, I explained at the outset that there had been no meeting of the subcommittee. I intended to call none. So far as objections are concerned, the Senator from South Dakota does not know about it because the committee has received no objections. However, I went to a meeting of the full committee of the Military Affairs Committee and there were some conversations principally concerning a point under discussion between the Senator from South Dakota and myself. Some members of the committee were absent, and others were not even in the city, and could not have attended a meeting if one had been called. The suggestion was made by Colonel Watt that there could be no objection to confirmation of officers serving overseas. I did not know of any objection. So Colonel Watt is responsible for taking the list to the chairman of the committee and scratching off all the names except the names of officers serving overseas.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. JOHNSON of Colorado. I ask if it is not true that as chairman of the Subcommittee on Confirmation of Nominations the Senator had numerous and frequent requests that consideration be

given to the promotion of so-called arm-chair generals.

Mr. CHANDLER. That is correct.

Mr. JOHNSON of Colorado. While at the same time there has been no objection whatever upon the part of anyone to the promotion of men who are serving overseas and who are engaged in actual battle.

Mr. CHANDLER. The Senator is correct.

Mr. JOHNSON of Colorado. The promotion of such officers is a matter of such great military importance that our committee and all its members have not considered that the wishes of those gentlemen be considered at all.

Mr. CHANDLER. That is correct.

Mr. JOHNSON of Colorado. But when it comes to the promotion of generals in the Pentagon Building, the committee has required that such promotions be given very careful study. Many of those officers are entitled to promotion.

Mr. CHANDLER. Yes, sir.

Mr. JOHNSON of Colorado. The members of the committee want the assignments in the Pentagon Building studied.

Mr. CHANDLER. The committee wants them scrutinized.

Mr. JOHNSON of Colorado. The committee wants them scrutinized very carefully.

Mr. ELLENDER. Will the Senator from Kentucky tell us what authority, if any, Colonel Watt had to strike from the list the names of certain individuals?

Mr. CHANDLER. The Senator from Kentucky is out of the picture at that point, because the chairman of the committee was present, and he authorized what was done. The reason the subcommittee had not met was that no meeting had been called. At a full meeting of the committee I was asked about the overseas officers, and I said that I had no objection to them. If the Senator has objection, I have no objection to his objection. [Laughter.] But the names are before the Senate now because we wanted to approve of the nominations for promotion of overseas officers. I was not ready to call a meeting to approve of the promotions of officers in Washington. I want to be given time to look them over with my colleagues, and have a meeting of the subcommittee. I object to some of the things the Army does, and I do not mind saying so. But I have no objection to the Senator making any objection which he cares to make. I will call a meeting and give the Senator notice of it, and we will go over the list man for man before it is reported to the Senate. I would not have reported as I did had it not been for the fact that Colonel Watt took the list and checked it and took it to the chairman of the committee.

Mr. GURNEY. Did he take it to the chairman of the committee before the meeting ended or after it ended?

Mr. CHANDLER. Oh, I think the Senator from South Dakota had already left.

Mr. GURNEY. Will the Senator state how many Senators were present?

Mr. CHANDLER. I was there and the Senator from South Dakota had just left.

Mr. GURNEY. Was there present any Senator other than the Senator from Kentucky?

Mr. CHANDLER. I do not recall.

Mr. GURNEY. Was there any objection made to any other man whose name appeared on the list?

Mr. CHANDLER. We have had no meeting about that, one way or the other.

Mr. GURNEY. Has any objection been called to the attention of the Senator concerning the name of any man on the list?

Mr. CHANDLER. I have not been concerned with objections, and do not intend to be until I have called a meeting of the subcommittee.

Mr. GURNEY. But no one has voluntarily come to the Senator and said that he had an objection to such-and-such an officer?

Mr. CHANDLER. No; it is very rare that anyone ever goes out of his way to do that, but if notification is made that a hearing will be held, objections are frequently made. Many Senators object to the way in which appointments have been made, and if the Senator from South Dakota objects, I do not have any objection to his objection.

Mr. ELLENDER. In order to put before the Senate Military Affairs Committee the names which have been stricken from the list, will it be necessary for the War Department to submit the list again?

Mr. CHANDLER. Oh, no; the names are still on the list. Colonel Watt merely checked off the names of those who were serving overseas, and asked that they be reported, and the Senator from North Carolina [Mr. REYNOLDS] gave the names to him. Here they are. If the Senator from Louisiana wants to turn them back, he may do so.

Mr. GURNEY. Mr. President, I am still unconvinced. I am still thinking of officers serving under General Marshall, no matter whether they be stationed in the Pentagon Building, in Detroit, in San Francisco, or elsewhere. They are still members of the team, and they have a right to be treated as members of the team. I object to the way promotions have been handled by the Military Affairs Committee. The nominations have never been considered by a subcommittee or the full committee of the Committee on Military Affairs. I firmly believe that there were no more than a very few Senators present at the time the secretary of the committee was told to have the names reported to the floor of the Senate. I therefore object to their present consideration.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from South Dakota to recommit the nominations to the committee.

Mr. HILL. Mr. President, I understand that the Senator from South Dakota has merely asked that the consideration of the nominations be passed over.

Mr. GURNEY. That is correct.

The PRESIDING OFFICER. Does the Senator from South Dakota withdraw the motion he previously made?

Mr. GURNEY. Reserving the right to object, and again to put the motion tomorrow, or when the names are brought

up for consideration, I will at the present time withdraw the motion, and only object to the present consideration of the nominations.

Mr. CHANDLER. Mr. President, I ask that they be not considered until I return to the Senate on Friday next.

The PRESIDING OFFICER. The consideration of the nominations will be passed over, and, without objection, the request of the Senator from Kentucky will be granted.

THE NAVY

The legislative clerk proceeded to read sundry nominations in the Navy.

The PRESIDING OFFICER. Without objection, the nominations in the Navy are confirmed en bloc.

That completes the calendar.

Mr. HILL. Mr. President, I ask unanimous consent that the President be notified forthwith of all nominations confirmed this day.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. McLeod, one of its clerks, announced that the House had passed a bill (H. R. 4065) further defining the number and duties of criers and bailiffs in United States courts and regulating their compensation, in which it requested the concurrence of the Senate.

DUTIES AND COMPENSATION OF CRIERS AND BAILIFFS IN UNITED STATES COURTS

Mr. HATCH. Mr. President, as in legislative session, I desire to make a request. During the call of the calendar today the Senate passed Calendar No. 1189, Senate bill 1747. I was later advised that the House of Representatives had acted favorably upon a similar bill. I am now told that a message from the House of Representatives concerning the bill is on the desk of the Vice President. I ask that the message be laid before the Senate as in legislative session.

The PRESIDING OFFICER. As in legislative session the Chair lays before the Senate a bill coming over from the House of Representatives.

The bill (H. R. 4065) further defining the number and duties of criers and bailiffs in United States courts and regulating their compensation, was read twice by its title.

Mr. HATCH. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House bill 4065.

Mr. WHITE. Mr. President, I understand the Senator is asking for consideration of a bill which has come over from the House in terms identical with those of a bill passed by the Senate.

Mr. HATCH. No; it is not identical. I wish to ask consideration of the bill from the House, then I wish to offer amendments which will make it conform exactly to the Senate bill, then send it back to the House.

Mr. WHITE. I have no objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Mexico?

There being no objection, the Senate proceeded to consider the bill (H. R. 4065) further defining the number and duties of criers and bailiffs in the United States courts, and regulating their compensation.

Mr. HATCH. Mr. President, I offer the following amendment, on page 1, line 6, at the beginning of the line to strike out the words "his court" and insert "the court in which he presides."

The amendment was agreed to.

Mr. HATCH. On page 2, line 5, after the word "four," I move to strike out the words "for each court."

The amendment was agreed to.

Mr. HATCH. On page 2, line 10, after the word "present" and the period, I move to insert "In the case the position of crier or bailiff is to be filled by the appointment of a person who has not previously served as either crier or bailiff, preference in the appointment shall be given to a person who has served in the military or naval forces of the United States in time of war and who has been honorably discharged therefrom, if in the opinion of the appointing officer such person is as well qualified as any other available person to perform to the satisfaction of the appointing officer all the duties of the position being filled."

The amendment was agreed to.

Mr. WHERRY. Mr. President, I should like to ask the Senator from New Mexico a question.

Mr. HATCH. Very well.

Mr. WHERRY. Does the Senator now know that with these amendments the bills are identical?

Mr. HATCH. I know now that the amendments which we have just adopted to the House bill make it identical with the Senate bill, but the bill has to go back to the House for the House to concur in the Senate amendments.

Mr. WHERRY. That is all I wanted to be sure about.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The PRESIDING OFFICER. Without objection, Senate bill 1747 will be indefinitely postponed.

RECESS

Mr. HILL. As in executive session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 52 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, November 23, 1944, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate November 27 (legislative day of November 21), 1944:

DEPARTMENT OF STATE

Edward R. Stettinius, Jr., to be Secretary of State.

DIPLOMATIC AND FOREIGN SERVICE

Maj. Gen. Patrick J. Hurley, United States Army, of New Mexico, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to China.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 27 (legislative day of November 21), 1944:

DEPARTMENT OF THE INTERIOR

REGISTER OF A LAND OFFICE

Richard McElligott, to be register of the land office at Roseburg, Oreg.

IN THE NAVY

TO BE REAR ADMIRALS FOR TEMPORARY SERVICE, TO RANK FROM THE DATES INDICATED

Albert G. Noble, from April 12, 1943.

Jerauld Wright, from May 5, 1943.

James Fife, Jr., from April 7, 1943.

Charles W. Styer, from April 13, 1943.

TO BE VICE ADMIRALS, FOR TEMPORARY SERVICE, TO RANK FROM THE DATES INDICATED

David W. Bagley, to continue while serving as commander Hawaiian Sea Frontier, from February 1, 1944.

Charles M. Cooke, Jr., from September 20, 1944.

Charles H. McMorris, to continue while serving as Chief of Staff to the Commander in Chief, United States Pacific Fleet, from September 23, 1944.

Howard L. Vickery, from October 24, 1944.

TO BE MEDICAL DIRECTORS FOR TEMPORARY SERVICE, WITH RANK OF REAR ADMIRAL, FROM DATE INDICATED

Luther Sheldon, Jr., from September 15, 1942.

Lucius W. Johnson, from September 15, 1942.

TO BE REAR ADMIRALS, FOR TEMPORARY SERVICE, TO RANK FROM DATE INDICATED

Ingolf N. Kiland, from February 26, 1943.

Thomas R. Cooley, from March 20, 1943.

TO BE COMMODORES, FOR TEMPORARY SERVICE, TO RANK AS INDICATED

John J. Mahoney, to continue while serving as commander, United States Naval Operating Base, Guantanamo Bay, Cuba, to rank from September 27, 1944.

Valentine H. Schaeffer, to continue while serving as chief of staff to commander, Seventh Fleet, to rank from October 12, 1944.

TO BE A NAVAL CONSTRUCTOR, FOR TEMPORARY SERVICE, TO RANK AS INDICATED

Albert L. Swasey, with the rank of commodore in the Naval Reserve, on the retired list, to continue while serving in the Bureau of Ships, to rank from October 12, 1944.

TO BE COMMODORES, FOR TEMPORARY SERVICE, TO RANK FROM OCTOBER 20, 1944

Irving H. Mayfield, to continue while serving as chief of staff to commander, South Pacific Force.

Francis W. Scanland, to continue while serving as commander, Naval Training and Distribution Center, Camp Elliott, San Diego, Calif.

Otto M. Forster, to continue while serving as commander, Naval Training and Distribution Center, Shoemaker, Calif.

Paulus P. Powell, to continue while serving as chief of staff to commander, Third Amphibious Force.

Clifford G. Richardson, to continue while serving as commander of a transport squadron.

Merrill Comstock, to continue while serving as chief of staff to commander, Submarine Force, Pacific Fleet.

Herbert B. Knowles, to continue while serving as commander of a transport squadron.

Donald W. Loomis, to continue while serving as commander of a transport squadron.

Thomas P. Jeter, to continue while serving as chief of staff to commander battle-ships, Pacific Fleet.

John B. McGovern, to continue while serving as commander of a transport squadron.

Arleigh A. Burke, to continue while serving as chief of staff to commander, First Carrier Task Force, Pacific Fleet.

TO BE PAY DIRECTOR, FOR TEMPORARY SERVICE, TO RANK FROM OCTOBER 20, 1944

Edwin D. Foster, with the rank of commodore the Navy, to continue while serving as aviation supply officer and supply officer in command, naval aviation supply depot, Philadelphia, Pa.

TO BE COMMODORES, FOR TEMPORARY SERVICE, TO RANK FROM DATE INDICATED

Milton O. Carlson, to continue while serving as commander of a transport squadron, from October 25, 1944.

Henry C. Flanagan, to continue while serving as commander of a transport squadron, from October 25, 1944.

Vernon F. Grant to be a commodore on the retired list, to continue while serving as commander, naval air bases, Guam, from October 25, 1944.

John G. Moyer, to continue while serving as commander of a transport squadron, from November 10, 1944.

Homer W. Graf, to continue while serving as commander of a transport squadron, from November 10, 1944.

Russell M. Ihrig, to continue while serving on the staff of the commander in chief, United States Pacific Fleet and Pacific Ocean areas, from November 10, 1944.

James B. Carter, to continue while serving as assistant chief of staff (Operations) to commander in chief, United States Pacific Fleet and Pacific Ocean areas, from November 10, 1944.

Thomas B. Brittain, to continue while serving as commander of a transport squadron, from November 10, 1944.

TO BE COMMODORES, FOR TEMPORARY SERVICE

Howard H. J. Benson, to continue while serving as chief of staff and aide to commander, Gulf Sea Frontier.

Leon S. Fiske, to continue while serving as commander, Service Squadron Twelve.

TO BE A COMMODORE IN THE NAVAL RESERVE, FOR TEMPORARY SERVICE

Giles C. Stedman, to continue while serving as Superintendent of the United States Merchant Marine Academy, Kings Point, N. Y.

TO BE A MEDICAL DIRECTOR, WITH RANK OF REAR ADMIRAL, FOR TEMPORARY SERVICE

William J. C. Agnew, to continue while serving as Assistant Chief of Bureau of Medicine and Surgery.

HOUSE OF REPRESENTATIVES

MONDAY, NOVEMBER 27, 1944

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, our unfailing Father, as creation groans and travails in pain, we beseech Thee to fill us with that spirit of service which is willing to suffer. Whatever we lack, wherever we are weak, be Thou our strength and shield. O Breath of Heaven, take away the dust of care and anxiety and give us clear skies between Thee and our souls.

In Thy divine helpfulness, lead us to labor with the visible realities of life as pathways to that life which is higher and enduring. This life is for the senses, that life is for the spirit; this life is for the flesh which perishes, that life is everlasting. Teach us to walk in that realm where there is rest and peace; free us

from the turmoils of this material world. Blessed Lord, as these times are so difficult, bestow Thy blessing upon those who find it hard to believe in an ever-present God; remember those who face circumstances fraught with disappointment and death. Console and steady the faith of those who are in distress of mind, blinded with sorrow as of storms at midnight. May they be sustained by the certitudes of faith, comfort them on their toilsome march, and in all their needs bring them to behold Thy face in peace. Through Jesus Christ, our Lord. Amen.

The Journal of the proceedings of Friday, November 24, 1944, was read and approved.

W. J. COX

Mr. WOODRUM of Virginia. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 2097) for the relief of W. J. Cox, with Senate amendments thereto, and agree to the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Strike out all after the enacting clause and insert:

"That the Court of Claims of the United States be, and hereby is, given jurisdiction to hear, determine, and render judgment on the claim of W. J. Cox, of Roanoke, Va., against the United States for personal injuries received by him when he was struck by a United States Army ambulance on United States Highway No. 11, near Christiansburg, Va., on June 3, 1940.

"Sec. 2. Suit upon such claim may be instituted at any time within 1 year after the enactment of this act, notwithstanding the lapse of time or any statute of limitations: Proceedings for the determination of such claim and appeals from and payment of any judgment thereon shall be in the same manner as in the case of claims over which the court has jurisdiction under section 145 of the Judicial Code, as amended."

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, this is merely to give the claimant an opportunity to go into the Court of Claims?

Mr. WOODRUM of Virginia. That is correct.

Mr. MARTIN of Massachusetts. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Senate amendments were agreed to.

A motion to reconsider was laid on the table.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House the following communication:

NOVEMBER 25, 1944.

The Honorable SAM RAYBURN,
The Speaker, House of Representatives,
Washington, D. C.

DEAR MR. SPEAKER: I hereby tender to you my resignation as a Member of the House of Representatives in the Congress of the

United States from the State of Florida at Large.

With great respect, your obedient servant,
LEX GREEN.

The SPEAKER. Without objection, the Speaker will notify the Governor of the State of Florida of the resignation of the gentleman from Florida [Mr. GREEN].

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that after the conclusion of the business today and any other special orders I may be allowed to address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

MERCHANT MARINE AND OVERSEAS AVIATION

Mr. BLAND. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BLAND. Mr. Speaker, the Committee on the Merchant Marine and Fisheries is filing today a report made by the Committee on Merchant Marine and Overseas Aviation. This should be sufficient to satisfy the Congress of the imminent peril to our merchant marine if it is not accorded the right to engage in overseas and foreign air commerce. Therefore, this committee will recommend remedial legislation. The legislation has been recommended by the committee. As soon as the report can be prepared it will be filed in the House with amendments.

HON. CORDELL HULL

Mr. LUTHER A. JOHNSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. LUTHER A. JOHNSON. Mr. Speaker, the resignation of the Honorable Cordell Hull as Secretary of State on account of ill health brings sorrow and deep regret, not only to the people of this Nation but to the people of the world. For nearly 12 years he has served in this capacity with distinction and great ability. His name will live in history as one of the greatest Secretaries of State this Nation has ever had. The splendid preparation and far-seeing vision that he has exercised in preparing for the peace that will follow this war, and which will live as a monument to him after he is gone, stamp him as one of the world's statesmen. The people of the United States love and believe in Cordell Hull.

I am sure it is the prayer of everyone in this broad land of ours that his health may soon be restored.

EXTENSION OF REMARKS

Mr. BELL. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD and to include therein certain proclamations and docu-